

PROCEEDINGS

OF THE

CONFERENCE OF RULING PRINCES AND CHIEFS,

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The Conference was opened and its proceedings conducted by His Excellency the Viceroy in the Imperial Legislative Council Chamber.

The following Ruling Princes and Chiefs were present :—

Kashmir.

His Highness the Maharaja of Kashmir.

Bombay.

The Raja of Baria.

His Highness the Maharao of Cutch.

His Highness the Maharaja of Dhrangadhra.

His Highness the Thakur Sahib of Gondal.

His Highness the Maharaja of Idar.

His Highness the Maharaja of Kolhapur.

The Thakur Sahib of Limbdi.

His Highness the Maharaja of Navanagar.

His Highness the Nawab of Palanpur.

His Highness the Raja of Rajpipla.

The Chief of Sangli.

His Highness the Raj Sahib of Wankaner.

Punjab.

His Highness the Raja of Chamba.

His Highness the Maharaja of Kapurthala.

The Nawab of Loharu.

His Highness the Nawab of Maler Kotla.

His Highness the Maharaja of Patiala.

Central India.

Her Highness the Begum of Bhopal.

His Highness the Maharaja of Datia.

His Highness the Maharaja of Dewas (S. B.).

His Highness the Maharaja of Dewas (J. B.).

His Highness the Maharaja of Dhar.

His Highness the Maharaja of Gwalior.

His Highness the Raja of Jhabua.

His Highness the Raja of Sitaman.

Rajputana.

His Highness the Maharaja of Alwar.

His Highness the Maharaja of Bharatpur.

His Highness the Maharao Raja of Bundi.

His Highness the Maharaj Rana of Dholpur.

His Highness the Maharaja of Jaipur.

His Highness the Maharawal of Jaisalmer.

His Highness Maharaja Bahadur Sir Pratap Singh, Regent, Jodhpur State.

His Highness the Maharaja of Kishengarh.

His Highness the Maharao of Kotah.

Sikkim.

His Highness the Maharaja of Sikkim.

**Agenda proposed for consideration by the Conference, with
Memoranda explanatory of each.**

AGENDA.

I.—To consider Chapter X of the Joint Report by His Excellency the Viceroy and His Majesty's Secretary of State for India, with particular reference to the following recommendations:—

- (1) that, with a view to improve future relations between the Crown and the States, a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others; Paragraph 302 of the Report.
- (2) that, with the consent of the Rulers of States, their relations with the Government of India should be examined, not necessarily with a view to any change of policy, but in order to simplify, standardise and codify existing practice for the future; Paragraph 305 of the Report.
- (3) that a permanent Council of Princes should be established; Paragraph 306 of the Report.
- (4) that the Council of Princes should be invited annually to appoint a small Standing Committee; Paragraph 307 of the Report.
- (5) that, where the Viceroy thinks this desirable, Commissions of Enquiry should be appointed in regard to— Paragraph 308 of the Report.
 - (a) the settlement of disputes between the Government of India or any Local Government and a State, or between one State and another, and
 - (b) the decision of cases where a State is dissatisfied with the ruling or advice of the Government of India or of any of their local representatives;
- (6) that when questions arise of depriving the Ruler of a State of his rights, dignities and powers, or of debarring from succession a member of his family, they should always be referred to a Commission to be appointed by the Viceroy to advise him; Paragraph 309 of the Report.
- (7) that, as a general principle, all important States should be placed in direct political relations with the Government of India; Paragraph 310 of the Report.
- (8) that means should be provided for joint deliberation between the Government of India and the Princes on matters of common interest to both. Paragraph 311 read with paragraphs 277-279 and 287 of the Report.

II.—To consider the question of precedence of Ruling Princes *inter se* at social functions. (*Vide* Resolution passed on Item No. V of the Agenda by the Conference of Ruling Princes and Chiefs held at Delhi in November 1917.)



Memorandum Explanatory of Agendum No. I.

Extract from the Joint Report by His Excellency the Viceroy and His Majesty's Secretary of State for India on Indian Constitutional Reforms.

Chapter IX.—The Government of India and India Office.

I.—THE GOVERNMENT OF INDIA.

265. We shall have discharged our task indifferently if it is not already plain from our report that all the changes which we suggest are no more than the necessary adjustment of the constitution to a rapidly changing environment. So long as the people of India were content to leave their government in official hands, the system was well devised to the needs of the country, and was directed with astonishing zeal and success to beneficent ends. We have tried to give some account of the burden of the work. We may well pause to pay a tribute to the part played by the Government of India itself in guiding and inspiring the entire system. Rarely has a heavier burden of responsibility continuously rested on a smaller body of men; rarely has it been discharged with greater ability or a higher sense of public duty. We have changes to propose, corresponding to changing conditions; but we should keenly regret it if anything we said were taken as failing in the tribute due to great work finely done. But more is now being demanded of the system than it can give. It is no longer sufficient to administer India; it is necessary also to satisfy her political aspirations; and because we were all too slow in taking cognizance of the changes that were occurring, the task is all the heavier because there is lee-way to make up. We must therefore introduce a new element of strength into the Government. The need for change.

266. We have already made our opinion clear that pending the development of responsible government in the provinces the Government of India must remain responsible only to Parliament. In other words, in all matters which it judges to be essential to the discharge of its responsibilities for peace, order, and good government it must, saving only for its accountability to Parliament, retain indisputable power. With the precise manner in which the control by Parliament must in future be modified we shall deal hereafter. For the present we will concern ourselves with changes in the functions, structure and methods of the Government of India itself. We think we have reason for saying that in some respects the machinery is no longer equal to the needs of the time. The normal work of the departments is heavy. The collective responsibility of the Government is weighty, especially in time of war. There is little time or energy left for those activities of a political nature which the new situation in the country demands. A legislative session of the Government of India imposes a serious strain upon the departments, and especially on the members in charge of them. They have not merely to carry on their heavy task of administration and to share in the discussion and decision of grave matters of policy, but they have to prepare themselves to meet a growing volume of criticism at meetings of the legislative council: and when, as has now happened, they are called upon in addition to deal with urgent and complex questions of constitutional reform, the burden becomes one that it is unreasonable to impose on so small and highly worked a body of men. We desire to take this opportunity of acknowledging how ungrudgingly their services have been given to our present task. But apart from the inevitable complexities of the moment, the growing burden of business, which results from the changing political conditions of the country, is leading to an accumulation of questions which cannot be disposed of as quickly as they present themselves. We find the necessity for reforms admitted, principles agreed upon and decisions taken, and then long delays in giving effect to them. Difficulties are realised, enquiries are started, commissions report, and then there is a pause. There is a belief abroad that assurances given in public pronouncements of policy are sometimes not fulfilled. On this occasion therefore we have taken The burden of work.

steps to guard against such imputations, and to provide means for ensuring the ordered development of our own plans.

Present causes of delay.

267. The main fault for the clogging of the machine does not, we think, lie altogether with its highly trained engineers. What is chiefly wanted is some change of system in the directions of simplicity and speed. How does it happen that announcements are made that arouse expectations only to defeat them? We know that it is not from any intention of deluding the public. We suggest that it is because the wheels move too slowly for the times; the need for change is realised, but because an examination of details would take too long, promises are made in general terms, which on examination it becomes necessary so to qualify with reservations as to disappoint anticipations and even to lead to charges of breach of faith. We suspect that a root-cause of some political discontents lies in such delays. Now so far as the provinces are concerned, we believe that our proposals for freeing them to a great extent from the control of the Government of India and the Secretary of State will improve matters. But the Government of India are in the worst case. In all important matters they have to consult Local Governments and then to secure the approval of the Secretary of State. Consultation with Local Governments there must always be; but with developing autonomy in the provinces and less frequent interference by the Secretary of State, we see no reason why quicker and more informal methods should not be pursued. We hope that the new departure inaugurated in January last at the conference between the Government of India and all the Heads of Governments in Delhi may be repeated annually, and may lead to a closer understanding of the varying conditions of the provinces and some diminution of official correspondence.

References to the India Office.

268. References to the India Office are a second fruitful cause of delay. The India Office, having statutory responsibilities to discharge, exercises its authority with good care and with all the expert knowledge at its command. Proposals that have been examined in India are re-examined in England, and fresh suggestions may be forthcoming from Whitehall upon which Delhi may find it necessary to take the further opinion of Calcutta, Bombay and the rest. Now we recognise that so long as the Indian Government is not responsible to an electorate, the guardianship of the welfare of India as a whole must remain in the hands of Parliament. Indeed, as we shall show, we go on hereafter to make suggestions for sustaining the interest taken by Parliament in India better and for improving the means of information at its disposal. But on the other hand we must also consider practical needs. We have seen how rarely Parliament asserts its power, how little interest and time it devotes to Indian affairs, and how much it leaves to the Secretary of State in Council. Granting, therefore, that Parliament's understanding of the larger Indian questions and its responsibility for policy ought to be increased, there is no real inconsistency in saying that we should ask it simultaneously to agree to relax the Secretary of State's control in details. We consider that the Secretary of State's previous sanction to decisions taken in India should be required in fewer cases than in the past; and that in some matters it will suffice in future if he asserts his control by means of a veto if necessary.

Insufficiency of staff.

269. A further cause contributing to delay is that the departments at headquarters are now overworked. It is often overlooked how small is the staff, which carries on the work of the great departments. Normally it consists of a Member in charge, a Secretary, a Deputy Secretary, and an Under Secretary. The remainder of the staff is purely clerical. If this is compared with the staffing of one of the great departments in Whitehall, and every allowance is made for the difference of conditions, it will be clear how numerically weak the staff of the Government of India is; and how great is the strain upon its members, especially in such times as the present. One reason why the departments can move quickly in England is because their day to day administration runs itself. New enquiries can be set on foot and policies thought out by the head of the department, with the help of a large and experienced permanent staff. In India the higher staff of the Secretariats is not permanent, because rightly or wrongly it has always been held desirable to maintain touch between the headquarter offices and the districts. Men are selected from the

administrative staff, serve for a time in the offices, and return to administration. One result of this discontinuity is that questions which a permanent civil service can safely dispose of by word of mouth become the subject of continuous minuting. Changes of personnel necessitate a record of the questions and the aspects of questions considered. We express no opinion on the system but it requires detailed examination. Indeed the Viceroy has already signified to his colleagues his intention of causing it to be examined after the war. Till that time comes the inquiry could not be pursued with advantage; but once the stress of war is over and Departments can estimate their permanent needs, the inquiry should be taken up probably with the assistance of experts from England. Our proposal is made without prejudice to the process of taking further Indians into the services. From whatever source the additional help is to be sought, there can be no question of its acute necessity.

270. But a constitutional element of delay may be found in the character of the Government itself. Because it is bureaucratic it is naturally less anxious to move than a responsible Government. In the matters where Parliament does not affect it, its duty is to its own conscience—or perhaps we should say to its successors in office—and not to any constituents. We should do well to associate with it a really representative assembly, so as to ensure that in the comparative seclusion of its domicile in Delhi and Simla, the wishes of the country are accurately and regularly presented to it and that its action is adequately criticised. In this way not merely shall we get a succession of stimuli from outside which would benefit the Government in India, but the Secretary of State in England will have the means of judging what view is taken in India of the actions of the Government, and so the modified measure of home control which we propose will come to be exercised not merely in accordance with British views but with regard also to the expressed views of those who represent constituencies in India. These are the considerations underlying the proposals which we put forward for changes in the structure of the Government of India both in its executive and legislative aspects.

Inherent tendencies of an official Government.

271. We have explained already how the executive council of the Governor-General is constituted and how portfolios are allotted in it. Its changed relations with provincial governments will in themselves materially affect the volume of work coming before the departments, and for this reason alone some redistribution will be necessary. We would therefore abolish such statutory restrictions as now exist in respect of the appointment of Members of the Governor-General's Council, so as to give greater elasticity both in respect of the size of the Government and the distribution of work. If it is desired to retain Parliamentary control over these matters, they might be embodied in statutory orders to be laid before Parliament.

The Governor-General's Executive Council.

272. Further we propose to increase the Indian element in the executive council. We do not think it necessary to argue the expediency of enabling the wishes of India to be further represented in the Cabinet of the country. The decision of Lord Morley and Lord Minto to appoint one Indian member to the council marked an important stage in India's political development; and has proved of value in enabling the Government to have first-hand acquaintance with Indian opinion. In recommending a second appointment we are only pursuing the policy already determined upon in respect of the public services. There exists of course at present no racial prescription in the Statute, nor do we propose that any should be introduced. There is even no formal guarantee that any appointment shall be made on the grounds of race. The appointment of Indian members will be made in the future as in the past as a matter of practice by the Crown on the recommendation of the Secretary of State; and we suggest the appointment of another Indian Member as soon as may be.

Increase in Indian element.

273. We now come to the changes required in the Indian Legislative Council. Its existing composition we have already explained. No argument is needed to show that under present conditions 27 elected Members, many of them returned by small class electorates, cannot adequately represent the interests of the entire country in the supreme assembly. Indeed no council the composition of which is conditioned by the necessity of maintaining an official majority could possibly serve that purpose. We recommend

The Indian Legislative Assembly.

therefore that the strength of the legislative council, to be known in future as the Legislative Assembly of India, should be raised to a total strength of about 100 members, so as to be far more truly representative of British India. We propose that two-thirds of this total should be returned by election; and that one-third should be nominated by the Governor-General, of which third not less than a third again should be non-officials selected with the object of representing minority or special interests. We have decided not to present to His Majesty's Government a complete scheme for the election or the elected representatives; our discussions have shown us that we have not the data on which to arrive at any sound conclusions. Some special representation, we think, there must be, as for European and Indian commerce and also for the large landlords. There should be also communal representation for Muhammadans in most provinces and also for Sikhs in the Punjab. There is no difficulty about direct election in the case of special constituencies. It is in respect of the general or residuary electorate, including therein the communal electorates for Muhammadans and Sikhs, that complexities present themselves. Our decided preference is for a system of direct electorates, but the immensity of the country makes it difficult, it may be impossible, to form constituencies of reasonable size in which candidates will be able to get into direct touch with the electorates. Moreover there is the further difficulty (which, however, presents itself in any system of constituencies) of the inequalities of wealth existing between the different communities. If constituencies are to be approximately even in size, it may be necessary to concede a special franchise to the Muhammadans, who taken as a whole are poorer than the Hindus; and this means giving a vote to some Muhammadans who would not be entitled to vote if they were Hindus. That is an undesirable anomaly, to which we should prefer the anomaly of unequal constituencies; but on our present information we find it impossible to say how great the practical difficulties of variation in size might be. Similar problems will present themselves in respect of constituencies for the elections to provincial councils. It is obviously desirable to deal on uniform lines with the electoral arrangements both in the provincial and Indian councils. As regards the former we have already recommended the appointment of a special committee to investigate questions of franchises and electorates; and to that body we would therefore also commit the task of determining the electorates and constituencies for the Indian Legislative Assembly. They may find it wholly impracticable to arrange for direct election. In that case they will consider the various possible systems of indirect election. We are fully aware of the objections attaching to all forms of indirect election; but if the difficulties of direct election compel us to have recourse to indirect, we incline to think that election by non-official members of provincial councils is likely to prove far more acceptable to Indian opinion, and, in spite of the smallness of the electoral bodies, certainly not open in practice to greater objection than any of the other alternative methods which have been from time to time proposed.

For reasons similar to those which we have given in the case of the provincial legislative councils we recommend that members of the Indian Legislative Assembly should not be designated "Honourable" but should be entitled to affix the letters M.L.A. to their names.

Representation of the provinces.

274. The suggestion we have made for the number of elected members was based on the calculation that the three presidencies would be represented by 11 members each—the United Provinces by 10, the Punjab and Bihar and Orissa by 7 each, the Central Provinces by 5, Burma by 3 and Assam by 2. We also think that, in view of the importance of the Delhi province as the Imperial enclave and the seat of the central Government, it should be represented by a member.

Nominated members.

275. In respect of the non-official members to be nominated by the Governor-General, we advise that no hard-and-fast rule should be laid down. These seats should be regarded as a reserve in his hands for the purpose of adjusting inequalities and supplementing defects in representation. Nominations should not be made until the results of all the elections are known; and then they should be made after informal consultation with the Heads of provinces. The

maximum number of nominated officials will be two-ninths of the whole, and it will rest with the Governor-General to determine whether he requires to appoint up to this maximum. The officials will, however, include the executive members of council, sitting not by appointment but *ex-officio*; and also some representation from the provinces. It may therefore not be possible for Secretaries to the Government of India to continue to sit in the assembly; this may in itself be of advantage as decreasing the dislocation of administrative business during the session. It may, however, be necessary to allow the Secretary to speak and vote on behalf of the member when occasion demands. But for this purpose we think that a preferable alternative may be to appoint members of the Assembly, not necessarily elected nor even non-official, to positions analogous to those of parliamentary Under Secretaries in England; and we advise that power be taken to make such appointments. We attach importance to the further proposal that official members of the Assembly, other than members of the executive government, should be allowed a free right of speech and vote, except when the Government decides that their support is necessary. We think that this change of procedure will affect the tone of discussions very beneficially. We think that, for the reasons which we have given already in support of a similar recommendation in respect of the provincial councils, the President of the Legislative Assembly should be nominated by the Governor-General. We do not propose that his choice should be formally limited, but it seems necessary that, at any rate for the present, the President should be designated from among the official members.

276. We began with the fundamental proposition that the capacity of the Government of India to obtain its will in all essential matters must be unimpaired. The institution of an assembly with a large elected majority confronts us with the problem, as in the case of the provinces, of enabling the executive government to secure its essential legislation and its supplies. Here also we have examined several possible expedients. In this instance there can be no question of relying on legislation by superior authority. The only superior authority is Parliament, and Parliament is too far off and notoriously too pre-occupied and not suitably constituted to pass laws for the domestic needs of India. It is true that the Governor-General has the power of making temporary ordinances for certain emergent purposes. We propose that this power should be retained: its utility has been strikingly demonstrated during the present war. It merely provides, however, a means of issuing decrees after private discussion in the executive council and without opportunities for public debate or criticism: and normally it should be used only in rare emergencies. It would be unsuitable for our purpose. What we seek is some means, for use on special occasions, of placing on the Statute book, after full publicity and discussion, permanent measures to which the majority of members in the Legislative Assembly may be unwilling to assent. We seek deliberately, when the purpose justifies us, to depart from popular methods of legislation; and it is obvious that no device which conforms to those methods can possibly serve our purpose. For this purpose we have come to the conclusion that we should employ the method now familiar to Indian institutions of maintaining such a number of votes, upon which the Government can in all circumstances rely, as to ensure the passage of the legislation that it requires. It is here alone, and only (as will be seen hereafter) for use in cases where it is obviously necessary, that we propose to perpetuate the official *bloc*. We are seeking to provide for a period of transition; for which purpose no novel expedient, such as multiplying the value of official votes or calling in officials who have not taken part in the argument to record their votes, or of passing measures automatically after discussion, would be as easily understood or as acceptable as the continuance in modified form of the present system.

Means of securing
the affirmative power
of legislation.

277. One suggestion which we considered was that we should follow the plan adopted in the provinces, and institute grand committees to which the Government's essential Bills should be referred. But the conditions of Indian legislation are different from those of provincial. Matters are more important, the Government's responsibility to Parliament is closer, and the affirmative power must be more decisively used. We feel also that there are advantages, both direct and incidental, in setting up a separate constitutional body, in

The Council of State.

which Government will be able to command a majority. We do not propose to institute a complete bi-cameral system, but to create a second chamber, known as the Council of State, which shall take its part in ordinary legislative business and shall be the final legislative authority in matters which the Government regards as essential. The Council of State will be composed of 50 members, exclusive of the Governor-General who would be President, with power to appoint a Vice-President who would normally take his place: not more than 25 will be officials, including the members of the executive council, and 4 would be non-officials nominated by the Governor-General. Official members would be eligible for nomination to both the Legislative Assembly and the Council of State. There would be 21 elected members of whom 15 will be returned by the non-official members of the provincial legislative councils, each council returning two members, other than those of Burma, the Central Provinces and Assam which will return one member each. Elected members returned to the Council of State would vacate any seats they occupied on the provincial council or the Legislative Assembly. The remaining six elected members are intended to supplement the representation which the Muhammadans and the landed classes will otherwise secure; and also to provide for the representation of chambers of commerce. Each of these three interests should, we suggest, return two members directly to the Council of State. Bearing in mind the fact that among the members of the provincial legislative councils who will elect to the 15 seats there will be a proportion of Muhammadans, and assuming that in each of the bigger provinces each elector will be able as now to give both his votes to one candidate, we estimate that the composition of the Council of State should comprise at least six Muhammadans whether sitting by direct or indirect election or by the Governor-General's nomination. Moreover it is desirable that the four seats to be filled by direct election should be used so as to ensure that the Muhammadan and landed members should as far as possible be representative of the whole of India. Deficiencies may occur in this respect in any one council, but they should be corrected in elections to the subsequent council. For this reason the regulations for elections to the four seats should be framed by the Governor-General in Council in such way as to enable him to decide, after consideration of the results of the indirect elections, from what part of India or possibly in what manner from India generally the seats should be filled.

Qualifications for
membership.

278. Inasmuch as the Council of State will be the supreme legislative authority for India on all crucial questions and also the revising authority upon all Indian legislation, we desire to attract to it the services of the best men available in the country. We desire that the Council of State should develop something of the experience and dignity of a body of Elder Statesmen; and we suggest therefore that the Governor-General in Council should make regulations as to the qualification of candidates for election to that body which will ensure that their status and position and record of services will give to the Council a senatorial character, and the qualities usually regarded as appropriate to a revising chamber. We consider that the designation "Honourable" should be enjoyed by the members of the Council of State during their tenure of office. In accordance with the proposals which we make hereafter for associating the Ruling Princes with the Government for the purpose of deliberation on matters of common concern, it would be, as will be seen, the Council of State with which the Princes would be associated. It is desirable that as is the case with second chambers elsewhere the lifetime of the Council of State should be longer than that of the Assembly; and assuming that the life of the latter will be three years, we propose five years as the normal duration of each Council of State.

Legislative
procedure,
Government Bills.

279. Let us now explain how this legislative machinery will work. It will make for clearness to deal separately with Government Bills and Bills introduced by non-official members. A Government Bill will ordinarily be introduced and carried through all the usual stages in the Legislative Assembly. It will then go in the ordinary course to the Council of State, and if there amended in any way which the Assembly is not willing to accept, it will be submitted to a joint session of both Houses, by whose decision its ultimate fate will be decided.

This will be the ordinary course of legislation. But it might well happen that amendments made by the Council of State were such as to be essential in the view of the Government if the purpose with which the Bill was originally introduced was to be achieved, and in this case the Governor-General in Council would certify that the amendments were essential to the interests of peace, order, or good government. The Assembly would then not have power to reject or modify these amendments, nor would they be open to revision in a joint session.

We have to provide for two other possibilities. Cases may occur in which the Legislative Assembly refuses leave to the introduction of a Bill or throws out a Bill which the Government regarded as necessary. For such a contingency we would provide that if leave to introduce a Government Bill is refused, or if the Bill is thrown out at any stage, the Government should have the power, on the certificate of the Governor-General in Council that the Bill is essential to the interests of peace, order, or good government, to refer it *de novo* to the Council of State; and if the Bill, after being taken in all its stages through the Council of State, was passed by that body it would become law without further reference to the Assembly. Further, there may be cases when the consideration of a measure by both chambers would take too long if the emergency which called for the measure is to be met. Such a contingency should rarely arise; but we advise that in cases of emergency, so certified by the Governor-General in Council, it should be open to the Government to introduce a Bill in the Council of State, and upon its being passed there merely to report it to the Assembly.

280. We come now to non-official members' Bills. They would be introduced in whichever of the two chambers the mover sat and, on being carried there, would be taken to the other chamber and carried through that. In the case of a difference of opinion between the two bodies the Bill would be submitted to a joint session of both, and would either be finally rejected or would be submitted for assent in the form in which it was there passed. It might, however, occur that a non-official member's Bill emerged from the Assembly, whether originally introduced there or not, in a form which the Government thought prejudicial to peace, order, and good government. In this case also if the Governor-General in Council were prepared to give a certificate in the terms already stated, the Bill would go or go back to the Council of State and could only become law in the form there finally given to it.

Private members' Bills.

281. Our object has thus been where possible to make assent by both bodies the normal condition of legislation, but to establish the principle that in the case of certificated legislation the will of the Council of State should prevail, and in other legislation the will of the non-official members of both chambers taken together should prevail. In time to come, if and when the procedure by certification becomes unnecessary, the Council of State will become, as in other countries, a purely revising chamber, and differences between the two chambers will be adjusted by joint sessions. We considered the alternative course of leaving non-certificated Bills wholly to the Legislative Assembly, and using the Council of State only for certificated Bills. We dismissed this plan, first because we regard it as important to establish what may hereafter become a normal second chamber; secondly, because we were unwilling to exclude the non-official members of the Council of State, to which we wished to attract the best men available, from all share in the passing of non-certificated business, and all opportunities of introducing Bills. Finally, our own proposal which gives the Government an opportunity of amending a private member's Bill, instead of leaving the Government with no alternative but to veto a measure some features of which it may disapprove, affords the means by which beneficial changes in the law may result from non-official initiative. It will, we believe, be found to be not the least advantage of the institutions which we propose that by allowing questions to be freely discussed first in a popular assembly and then reviewed by a revising body in which Government is in a position to exert as little influence as it likes the course of social legislation to which our Indian advisers attach particular importance will be materially promoted. For if Government is assured that projects of social reform have the support of the Indian element in two chambers so

Advantages of this procedure.

differently constituted it will have the less reason for offering any obstacle to their progress.

A possible objection.

282. The objection may be raised to our proposal for joint sessions that the non-official members of the Assembly will be swamped by the official members of the Council of State in combination with the official members of the Assembly. We think that this criticism will be disposed of by further consideration of the figures. The Assembly will consist of, let us say, at least 78 non-official and at most 22 official members. The Council of State will consist of 25 non-officials and at most 25 officials, because the whole number of officials in either chamber need not necessarily be appointed. In a full joint session, however, there might be 103 non-officials, and about 40 officials, because the members of the Governor-General's Executive Council will be members of both bodies. But we have provided that the official members of the Assembly may also be nominated to membership of the Council of State, and we imagine that this will be the rule rather than the exception. It would be difficult, and also inadvisable from the point of view of departmental business, to bring 40 official members to the meetings of the legislative bodies, and we conceive therefore that, including the members of the executive council, the official element in a joint session might be taken at 30. Moreover in debates on a non-certificated Bill, official members would be left free to vote and speak as they please, and therefore should not be expected to act as a solid body. In these calculations we have classed together the nominated non-officials and the elected members of both chambers. But the 15 nominated non-officials will be nominated to represent particular interests, and we see no reason to anticipate that they will act less consistently than they have done in the past with their elected fellow representatives.

Powers of dissolution, assent, etc.

283. The Governor-General should, in our opinion, have power at any time to dissolve either the Legislative Assembly or the Council of State or both these bodies. It is perhaps unnecessary to add that the Governor-General and the Secretary of State should retain their existing powers of assent, reservation, and disallowance to all Acts of the Indian legislature. The present powers of the Governor-General in Council under section 71 of the Government of India Act, 1915, to make regulations proposed to him by local Governments, for the peace and good government of backward tracts of territory should also be preserved; with the modification that it will in future rest with the Head of the province concerned to propose such regulations to the Government of India.

Fiscal legislation. Effect of resolutions.

284. Fiscal legislation will of course be subject to the procedure which we have recommended in respect of Government Bills. The budget will be introduced in the Legislative Assembly, but the Assembly will not vote it. Resolutions upon budget matters and upon all other questions, whether moved in the Assembly or in the Council of State, will continue to be advisory in character. We have already given our reasons for holding that it is not feasible to give resolutions a legal sanction. But since resolution will no longer be defeated in the Assembly by the vote of an official majority they will, if carried, stand on record as the considered opinion of a body which is at all events more representative than the Legislative Council which it displaced. That in itself will mean that the significance of resolutions will be enhanced: there will be a heavier responsibility upon those who pass them, because of their added weight; and the Government's responsibility for not taking action upon them will also be heavier. It will be therefore incumbent on Government to oppose resolutions which it regards as prejudicial with all the force and earnestness that it can command in the hope of convincing the Assembly of their undesirability. There must, however, remain to the Government power not to give effect to any resolution which it cannot reconcile with its responsibility for the peace, order and good government of the country.

Standing Committees.

285. We wish to apply the procedure of standing committees, described in the last chapter, as far as may be, to both portions of the Indian legislature. The committees would be drawn jointly from the Assembly and Council of State. We do not overlook the difficulties entailed by the nature of many of the subjects with which the central Government is concerned, and also by the comparative infrequency with which, owing to considerations of distance, such committees can assemble. The fact that many matters of ordinary internal administration

will in future be left to provincial Governments also limits the scope of utility of standing committees in the central legislature. We would leave it to the Government of India to decide with what departments standing committees can be associated; and to the member in charge to decide what matters can be referred to the committee. Our idea is that the non-official members of the Assembly and Council of State might elect by ballot in proportion to their respective strength two-thirds of the members of each committee while Government nominates the remaining one-third. It is obvious that these committees cannot play such an important part in the work of the Government as the similar committees which we have suggested in the provinces. It will be difficult to obtain their assistance in practice, except during the session or immediately before and after it, but we think there should be no difficulty ordinarily in obtaining their views on important new projects, whether legislative or administrative. Their functions might be determined by regulations to be made by the Governor-General in Council.

286. A few subsidiary matters of minor importance remain to be dealt with. We think that any member of the Assembly or the Council of State (and not merely the member who asks the original question) should have the right to put supplementary questions. The control of questions in both bodies should be regulated on lines similar to those which we have suggested in the case of provincial councils; and the question of restrictions upon resolutions should also be similarly treated. But apart from matters affecting the powers of the legislature we think that the rules of procedure for both bodies should be made in the first instance by the Governor-General in Council. The Assembly and the Council of State should both have power to modify their rules with the sanction of the Governor-General. The approval of the Secretary of State and Parliament should not be required.

Questions
and rules of
procedure.

287. We have a further recommendation to make. We would ask that His Majesty may be graciously pleased to approve the institution of a Privy Council for India. From time to time projects of this kind have been mooted and laid aside; but with the changed conditions we believe that such a body would serve a valuable purpose and do useful work. India for all its changing ideas is still ready to look up with pride and affection to any authority clothed with attributes that it can respect and admire. Appointments to the Privy Council should be made by the King-Emperor and for life, which would ensure that they would be valued as a high personal distinction. Officials and non-officials, both from British India and the Native States, would be eligible; but it would be necessary to confine appointment to those who had won real distinction, or had held or were holding the highest offices, such as Members of the Governments, Ruling Princes, Members of the Council of State and High Court Judges. Indian Privy Councillors should enjoy the title of "Honourable" for life. The Privy Council's office would be to advise the Governor-General when he saw fit to consult it on questions of policy and administration. It is our hope that for one purpose or another Committees of the Council comparable to those of the Privy Council in England, which have done such valuable work in connexion with industrial and scientific research and education, will be appointed.

An Indian
Privy
Council.

288. At the end of the last chapter we recommended that ten years after the institution of our reforms, and again at intervals of twelve years thereafter, a commission approved by Parliament should investigate the working of the changes introduced into the provinces, and recommend as to their further progress. It should be equally the duty of the commission to examine and report upon the new constitution of the Government of India, with particular reference to the working of the machinery for representation, the procedure by certificate, and the results of joint sessions. The commission will, doubtless, if they see fit, have proposals to make for further changes in the light of the experience gained. There is no need for us at this stage to attempt to anticipate the line which their recommendations may take.

Periodic
Commission.

289. Let us now sum up our proposals. We seek to create an enlarged Legislative Assembly with an elective majority; to reserve to the decision of the Council of State, in which the Government will command a bare majority, only those measures which it must have power to carry in the discharge of its

Summary.

continuing responsibility for the good government of the land; to restrict the official *bloc* to the smallest dimensions and the least frequent activity that is compatible with the same guiding principle; to institute a Privy Council of India as a means of honouring and employing ripe wisdom or meritorious service; to admit a second Indian member into the innermost counsels of the Indian Government. It is true that we do not offer responsibility to elected members of the Legislative Assembly; and that we define the sphere in which the Government will defer to the wishes of the elected members not by specific directions in a schedule, as we have done in the provinces, but by a general prescription which we leave the Government to interpret. But we have carried the advance right up to the line beyond which our principles forbid us to go, and by confining the use of the special machinery of autocracy to essential cases where a public declaration of necessity must be made, we have gone definitely beyond the position implied in the Morley-Minto Reforms. If there be among Indian politicians those who are impatient of any delay that they encounter on their way to occupy the citadel, they may remind themselves how often before in Indian history has it been said '*Hanoz Dihli dur ast*'. Impatience we cannot and ought not to seek to satisfy. What we have done is to afford Indians a fair share in the government of the entire country, while providing in the provinces the means for them to attain the stage of responsible government to which the beginning of responsibility for the Government of India itself must be the sequel.

Chapter X.—The Native States.

Introductory.

296. As we have said already it is impossible to deal with the constitutional position in British India without also considering the problems presented by the Native States. India is in fact, as well as by legal definition, one geographical whole. The integral connexion of the States with the British Empire not only consists in their relations to the British Crown, but also in their growing interest in many matters common to the land to which they and the British provinces alike belong.

Position of the States.

297. Although compared with the British provinces the States are thinly populated, they comprise among them some of the fairest portions of India. The striking differences in their size, importance, and geographical distribution, are due partly to variations of policy, partly to historical events which no Government could control. Wherever consolidating forces were at work before the British advance occurred, we find that large units of territory were constituted into States: wherever disorder or other disintegrating factors were at work longer, as in Bombay and Central India, we find a large number of fragmentary territories. "Political as well as physical geography bears witness to the stress of the destructive forces through which a country has passed." The policy of the British Government towards the States has changed from time to time, passing from the original plan of non-intervention in all matters beyond its own ring-fence to the policy of "subordinate isolation" initiated by Lord Hastings; which in its turn gave way before the existing conception of the relation between the States and the Government of India, which may be described as one of union and co-operation on their part with the paramount power. In spite of the varieties and complexities of treaties, engagements, and *sanads*, the general position as regards the rights and obligations of the Native States can be summed up in a few words. The States are guaranteed security from without; the paramount power acts for them in relation to foreign powers and other States, and it intervenes when the internal peace of their territories is seriously threatened. On the other hand the States' relations to foreign powers are those of the paramount power; they share the obligation for the common defence; and they are under a general responsibility for the good government and welfare of their territories.

Effects of the war.

298. Now let us consider what factors have been at work to bring the Ruling Princes into closer relations with the Government of India. Foremost is the war. No words of ours are needed to make known the services to the Empire which the States have rendered. They were a profound surprise and disappointment to the enemy; and a cause of delight and pride to those who

* Delhi is yet far off.

knew beforehand the Princes' devotion to the Crown. With one accord the Rulers of the Native States in India rallied to fight for the Empire when war was declared; they offered their personal services, and the resources of their States. Imperial Service Troops from over a score of States have fought in various fields, and many with great gallantry and honour. The Princes have helped lavishly with men and horses, material and money, and some of them have in person served in France and elsewhere. They have shown that our quarrel is their quarrel; and they have both learned and taught the lesson of their own indissoluble connexion with the Empire, and their immense value as part of the polity of India.

299. For many years, however, influences more persistent though less Points of contact. forceful than war have been at work to increase the range of matters in which the States realize their solidarity with British India. A perceptible process of infiltration has been going on. We have helped the States in times of famine; we have lent them officers trained in British India to revise or supervise their revenue or financial administration, or to improve their agriculture and irrigation. Many of them have adopted our civil and criminal codes. Some have imitated and even further extended our educational system. Co-operation in matters of police and justice has been developed. Our railway and telegraph systems have been carried through and serve many of the States. The Indian customs tariff is a matter of concern to all States including those which have ports of their own. It is of course true that external influences have not affected the States equally. They have not all been equally able to assimilate new principles. They are in all stages of development, patriarchal, feudal or more advanced, while in a few States are found the beginnings of representative institutions. The characteristic features of all of them, however, including the most advanced, are the personal rule of the Prince and his control over legislation and the administration of justice. Nor have any changes which have occurred in the least impaired the validity of the treaties which assured to the States their powers of internal administration. Indeed, it may be said that in a composite society like India's and in times when ideas are changing rapidly, the existence of States in which ideals of chivalry and personal devotion survive as the motive principle of government has been the more clearly seen to have an abiding value. The independence of the States in matters of internal administration carries with it the counter-obligation of non-interference in British Indian affairs. If the Princes were to intervene, either informally or formally, in the internal affairs of British India, such action would, we think, be reasonably questioned, unless the representatives of British India were given a corresponding right of influencing the affairs of the States. On either hand, we believe, there is no desire to cross the frontier. Rulers and politicians alike recognize that they are best employed in attending to their own progress. The obligation of mutual abstention must be always borne in mind in estimating the future position of the Native States in a changing Indian empire.

300. We know that the States cannot be unaffected by constitutional development in adjoining provinces. Some of the more enlightened and thoughtful of the Princes, among whom are included some of the best known names, have realised this truth, and have themselves raised the question of their own share in any scheme of reform. Others of the Princes—again including some of the most honoured names—desire only to leave matters as they are. We feel the need for caution in this matter. It would be a strange reward for loyalty and devotion to force new ideas upon those who did not desire them; but it would be no less strange, if out of consideration for those who perhaps represent gradually vanishing ideas, we were to refuse to consider the suggestions of others who have been no less loyal and devoted. Looking ahead to the future we can picture India to ourselves only as presenting the external semblance of some form of 'federation.' The provinces will ultimately become self-governing units, held together by the central Government which will deal solely with matters of common concern to all of them. But the matters common to the British provinces are also to a great extent those in which the Native States are interested—defence, tariffs, exchange, opium, salt, railways and posts and telegraphs. The gradual concentration of the Government of India upon such matters will therefore make it easier for the States, while Modern influences.

retaining the autonomy which they cherish in internal matters, to enter into closer association with the central Government if they wish to do so. But though we have no hesitation in forecasting such a development as possible, the last thing that we desire is to attempt to force the pace. Influences are at work which need no artificial stimulation. All that we need or can do is to open the door to the natural developments of the future.

Evolution of the
Chiefs' Conference.

301. In this respect the trend of recent events has helped. The desire to give greater reality to the consciousness of common interests is stirring among the Princes, and it is now possible and desirable to turn it to more practical account than our predecessors were able to do. Lord Lytton's proposal to constitute an Imperial Privy Council which should comprise some of the great Princes resulted only in the ephemeral and purely honorific body known as the Councillors of the Empress. Lord Dufferin's institution of Imperial Service Troops was of much greater value in giving actual and useful expression to the feeling of community of interests. Lord Curzon's plan for a Council of Ruling Princes and Lord Minto's schemes first for an Imperial Advisory Council and then for an Imperial Council of Ruling Princes were suggestions only a little in advance of the time. The idea which attracted his two predecessors gained fresh life as a result of the conferences which Lord Hardinge held with the Princes to consider questions of higher education in the States. Lord Hardinge made no secret of his desire to seek the collective opinion of the Princes as trusted colleagues whenever possible on matters affecting their Order; and in responding to His Excellency's invitation, Their Highnesses the Maharajas of Gwalior and Indore also laid stress upon the essential identity of interest between the two halves of India. Lord Chelmsford carried the system of conferences further by utilizing them for the purpose of discussing general questions affecting the States as a whole: and His Highness the Gaekwar in welcoming the new development expressed the hope that what had by that time become an annual conference would develop into a permanent Council or Assembly of Princes. Moreover, only last year the claim of the States to be heard in matters of Imperial concern were signally recognised by the deputation of His Highness the Maharaja of Bikaner to the meeting of the Imperial Conference and the War Cabinet.

Effects of
British policy
The term
"Native
States."

302. In view of the fact that constitutional changes in British India may react in an important manner on the Native States, we have carefully considered their present relations with the Government of India. We became aware at the outset that although the policy which has been followed for more than a century towards the States has been amply vindicated by the trust and confidence which the Princes as a body repose in the British Government, yet in some quarters uncertainty and uneasiness undoubtedly exist. Some Rulers are perturbed by a feeling that the measure of sovereignty and independence guaranteed to them by the British Government has not been accorded in full, and they are apprehensive lest in process of time their individual rights and privileges may be whittled away. We ascribe this feeling to two causes. In the first place, the expression "Native States" is applied now and has been applied during the past century to a collection of about seven hundred rulerships which exhibit widely differing characteristics; which range from States with full autonomy over their internal affairs to States in which Government exercises, through its Agents, large powers of internal control, and even down to the owners of a few acres of land. Uniformity of terminology tends to obscure distinctions of status; and practice appropriate in the case of the lesser Chiefs may be inadvertently applied to the greater ones also. We are convinced that it would improve and assist future relations between the Crown and the States if a definite line could be drawn separating the Rulers who enjoy full powers of internal administration from the others. Our own proposals in paragraphs 306 to 311 below assume that such classification can and will after due inquiry be effected, and are intended to relate only to States of the former class.

Government
intervention.

303. In the second place, we cannot disregard the fact that the general clause which occurs in many of the treaties to the effect that the Chief shall remain absolute Ruler of his country, has not in the past precluded and does not even now preclude "interference with the administration by Government

through the agency of its representatives at the Native Courts." We need hardly say that such interference has not been employed in wanton disregard of treaty obligations. During the earlier days of our intimate relations with the States British agents found themselves compelled, often against their will, to assume responsibility for the welfare of a people, to restore order from chaos, to prevent inhuman practices, and to guide the hands of a weak or incompetent Ruler as the only alternative to the termination of his rule. So too, at the present day, the Government of India acknowledges as trustee, a responsibility (which the Princes themselves desire to maintain) for the proper administration of States during a minority, and also an obligation for the prevention or correction of flagrant misgovernment.

304. Moreover we find that the position hitherto taken up by Government has been that the conditions under which some of the treaties were executed have undergone material changes, and the literal fulfilment of particular obligations which they impose has become impracticable. Practice has been based on the theory that treaties must be read as a whole, and that they must be interpreted in the light of the relations established between the parties not only at the time when a particular treaty was made, but subsequently. The result is that there has grown up around the treaties a body of case law which anyone who is anxious to appreciate the precise nature of existing relations must explore in Government archives and in text-books. The Princes, viewing the application of this case law to their individual relations with Government, are uneasy as to its ultimate effect. They fear that usage and precedent may be exercising a levelling and corroding influence upon the treaty rights of individual States. Interpretation of treaties.

305. It is thus clear that some ambiguity and misunderstanding exist as to the exact position. The Government of India has already taken cognizance of this, and is affording opportunity for the verification of any specific complaints that may be made. We do not desire to say anything that might prejudice the issue of these inquiries. In the meanwhile, however, we suggest that the time has come when it would be well to review the situation, of course only by consent of parties, not necessarily with a view to any change of policy but in order to simplify, standardise and codify existing practice for the future. Before we pass on to state our own proposals we wish to say that we think that the Princes should be assured in the fullest and freest manner that no constitutional changes which may take place will impair the rights, dignities and privileges secured to them by treaties, *sanads*, and engagements or by established practice. Need for re-examination of the position.

306. We have explained how, on various occasions in recent years, the Princes have met in conference at the invitation of the Viceroy. These conferences have been of great value in assisting in the formulation of the Government's policy on important matters like minority administration and succession and in promoting interest in such questions as scientific agriculture and commercial and agricultural statistics. The meetings have given the Princes the opportunity of informing the Government as to their sentiments and wishes of broadening their outlook, of conferring with one another and with the Government. But although the meetings have in the last few years been regular, they depend upon the invitation of the Viceroy; and our first proposal is to replace them by the institution of a Council of Princes. We wish to call into existence a permanent consultative body. There are questions which affect the States generally and other questions which are of concern either to the Empire as a whole or to British India and the States in common, upon which we conceive that the opinion of such a body would be of the utmost value. The Viceroy would refer such questions to the Council, and we should have the advantage of their considered opinion. We think it is all important that the meetings should be regular, and that ordinarily the Council should meet once a year to discuss agenda approved by the Viceroy. Any member of the Council or the Council as a whole might request the Viceroy to include in the agenda any subject on which discussion was desired. If questions of sufficient importance arose in the intervals between the annual meetings the Princes might suggest to the Viceroy that an extraordinary meeting should be held. We contemplate that the Viceroy should be President and should as a rule preside, but that in his absence one of the Princes should be Chairman. A Council of Princes.

The rules of business would be framed by the Viceroy after consultation with the Princes, who might perhaps from time to time suggest modifications in the rules. We believe that most of the Princes desire to see such a Council created, although some of the most eminent among them have not taken part in the conferences in 1916 and 1917. The direct transaction of business between the Government of India and any State would of course not be affected by the institution of the Council. We have used the name "Council of Princes" to describe the body which we desire to see instituted. We have had difficulty, however, in finding a name appropriate to such a unique assembly. We wish to avoid a designation associated with other institutions, and to find one which will connote the real position of this body of Rulers with the representative of the King-Emperor as Chairman. From both these points of view the terms Council or Chamber or House of Princes are open to criticism. There is much to be said in favour of an Indian name for an Indian body which, from the circumstances of the case, would exist nowhere else; but it would be necessary to choose one not peculiarly associated historically either with Hindus or with Muhammadans. While therefore we have adopted the term Council for temporary purposes, we hope that discussion may produce some happier alternative.

Standing
Committee of the
Council.

307. It has been represented to us that difficulties have occurred in the past by reason of the fact that the Political Department comes to decisions affecting the Native States without being in a position to avail itself of the advice of those who are in a position to know from their own personal experience or the history of their States the right course to pursue. On matters of custom and usage in particular we feel that such advice would be of great value, and would help to ensure sound decisions. Our second proposal therefore is that the Council of Princes should be invited annually to appoint a small standing committee, to which the Viceroy or the Political Department might refer such matters. We need hardly say that no reference affecting any individual State would be made to the Committee without the concurrence of its Ruler. The Council of Princes might appoint to the standing committee not only Princes but also Dewans or Ministers, who were willing to place their services at the disposal of the Viceroy when called upon for advice. This machinery is based on the principle of consultation which in so many matters underlies our recommendations in regard to British India.

Commissions of
inquiry into
disputes.

308. Our next proposal is concerned with disputes which may arise between two or more States, or between a State and a Local Government or the Government of India, and with a situation caused when a State is dissatisfied with the ruling of the Government of India or the advice of any of its local representatives. In such cases there exists at the present moment no satisfactory method of obtaining an exhaustive and judicial inquiry into the issues, such as might satisfy the States, particularly in cases where the Government of India itself is involved, that the issues have been considered in an independent and impartial manner. Whenever, therefore, in such cases the Viceroy felt that such an inquiry was desirable, we recommend that he should appoint a commission, on which both parties would be represented, to inquire into the matter in dispute and to report its conclusions to him. If the Viceroy were unable to accept the finding, the matter would be referred for decision by the Secretary of State. The commission that we have in mind would be composed of a judicial officer of rank not lower than a High Court Judge and one nominee of each of the parties concerned.

And into cases of
misconduct.

309. In another class of cases we have a similar proposal to make. It has happened, and we conceive that it may happen though rarely in the future, that the question arises of depriving the ruler of a State of his rights, dignities and powers, or of debarring from succession a member of his family. If such cases occur in the future we think that they should be always referred to a commission to be appointed by the Viceroy to advise him. It should consist of five members, including ordinarily a High Court Judge and two Ruling Princes. The names of the commissioners should be intimated in advance to the defendant before they were appointed: and the proceedings of the commission should be made public only if the defendant so desired.

310. Our two remaining proposals bear a direct relation to our constitutional scheme for British India. We recommend that as a general principle all important States should be placed in direct political relations with the Government of India. We feel that the necessity of communicating with the central Government through two or even more intermediaries is an obstruction to good understanding and a great obstacle to business. The present position is that while four large States and one small State deal directly with the Government of India through their Resident there are in the Central India Agency some 150 States and in the Rajputana Agency some 20 States and in Baluchistan two States under the Agents to the Governor-General. The remaining States are in political relations with Local Governments. Madras deals with 5 States; Bombay with over 350; Bengal with 2; the United Provinces with 3; the Punjab with 34; Burma with 52; Bihar and Orissa with 26; the Central Provinces with 15; and Assam with 16. We have already laid stress in our report upon the need in domestic affairs for dividing matters of all-Indian from those of provincial concern. Now on general grounds the relations between the States and Government are clearly a matter for the central Government; and where this principle has been departed from it has been on grounds of history or convenience. It seems to us that the changing conditions of the time afford strong reasons for affirming the principle; both because the institution of a Council of Princes will give greater solidarity to the views of the States, and also because the growth of responsibility in provincial Governments will to some extent unfit them to act in political matters as mere agents for the Government of India. There will, we recognize, be difficulty in some cases where the territories of the States and British provinces intersect, but such obstacles are not insurmountable. As a general principle, therefore, we recommend that all important States should be placed in direct political relations with the central Government. We do not intend of course that the Darbars should write direct to the Political Secretary, but that there should, wherever possible, be only one political officer through whom the State would correspond with the Government of India. This is already the case with the States of Hyderabad, Baroda, Mysore and Kashmir. In other cases it will be necessary to revise the existing arrangements by which correspondence passes through a Local Political Agent or Resident to an Agent to the Governor-General or a local Government and thence to the Government of India. Where the authority immediately subordinate to the Government of India is an Agent to the Governor-General, the choice lies generally between abolishing the offices of local Political Agents or Residents, while transferring their functions to the Agent to the Governor-General with an increased staff of Assistants, and abolishing the post of Agent to the Governor-General, while retaining Residents accredited to States or groups of States. In other cases instead of abolishing either the Agent to the Governor-General or the Resident, where both officers exist, the Residents of particular States might be allowed to communicate direct with the Government of India, sending a copy of such communications to the Agent to the Governor-General for his information. The future position of other States which are now in relation with provincial Governments, cannot be determined immediately, since both the wishes of the Darbars and also the administrative advantages must be considered. It may be that the Government of India will assume direct relations with these States, or that they may be left for the time being in relation with the provincial Governments; but in the latter case it seems to us that the Head of the province should in each case act in his relations with the States as agent for the central Government, and that relations with the Native States should not be matters of provincial concern in the sense that they are intended ever to be transferred to the control of the legislative council.

Relations with
the Government of
India.

311. Our last proposal is intended to provide some means of deliberation between the Government of India and the Princes on matters of common interest to both, and so to ensure that as far as possible decisions affecting India as a whole shall be reached after the views of the Darbars have been taken into account. In the past it certainly has occasionally happened that the States were vitally affected by decisions taken without reference to them; and yet no machinery for such collective consultation with them has hitherto existed.

Joint deliberation
on matters of
common interest.

It seems to us that they have a clear right to ask for it in the future. We have abandoned for the present all consideration of suggestions that the Ruling Princes or some representatives of their Order should be members of the Council of State. Not only would this at the present stage infringe the doctrine of non-interference on the part of the Princes in the affairs of British India, but we are satisfied that few, if any, of the Princes themselves are ready for such a step. On the other hand, it seems to us that, when a Council of Princes has been established, and when a Council of State and a Privy Council have been created, the machinery will exist for bringing the senatorial institutions of British India into closer relations when necessary with the Rulers of the Native States. Matters affecting the Native States generally, or the Native States and British India in common or the Empire might, as we have seen, be referred to the Council of Princes. It would thus be possible for the Viceroy, when he thought fit, to arrange for joint deliberation and discussion between the Council of State and the Council of Princes or between representatives of each body. He might also invite members of the Council of Princes to serve on committees of the Privy Council.

Future position of
the States.

312. With these indications of the position to be occupied by the Native States in future we may rest content. We believe that the trend of events must draw them still closer into the orbit of the Empire; we think that the process need give rise to no alarm lest their internal autonomy be threatened. We need not conceal our conviction that the processes at work in British India cannot leave the States untouched and must in time affect even those whose ideas and institutions are of the most conservative and feudal character. But in that respect there can be no intention or desire to accelerate growth by artificial means. We believe that our proposals will afford satisfaction to the progressive Rulers while respecting the legitimate desire of those less advanced to go forward at their own pace.

Memorandum Explanatory of Agendum No. II.

Resolution passed by the Conference of Ruling Princes and Chiefs held at Delhi on the 5th November 1917 and following days.

* * * * *

Resolved—That consideration of the question of precedence of Ruling Chiefs *inter se* at social functions should be postponed until the next Conference of Ruling Princes and Chiefs.

PROCEEDINGS OF THE FIRST DAY.

*January 20th, 1919.*HIS EXCELLENCY THE VICEROY'S SPEECH AT THE OPENING
OF THE CONFERENCE.

YOUR HIGHNESSES,—

Before we proceed to business it is fitting that I should refer to the losses which this Conference has sustained during the past year. Since last we met no less than six of those who have attended these gatherings on previous occasions have passed away, *viz.*, the Maharajas of Jodhpur, Rewa and Faridkot, the Maharawal of Dungarpur, the Nawab of Palanpur, and the Raja of Khairagarh. I am sure that Your Highnesses will wish to join with me in recording our sympathy with the families of these Princes, whose loss we deeply deplore.

The year which has passed since I last welcomed Your Highnesses in this hall has been a momentous one. I allude not only to the great drama which has been enacted on the battle fields of Europe and of Asia, where the fate of India was decided in common with that of the Western Nations, but also to events which have taken place in India and in which India has a more exclusive interest. The year has witnessed the greatest war efforts which this country has yet put forth and the share which the Ruling Princes and Chiefs of India have taken in the victory of the Allies is one of which Your Highnesses may well be proud. It has also seen a further step in the evolution of the relations between this great country and the Empire with which its destinies are linked. The Report on Indian Constitutional Reform has now been public for some seven months. Our principal business during this Conference will be to consider that Report so far as it affects the Indian States.

At the outset it will be well to refer to the course of events leading up to Chapter X of the Report. In closing the proceedings of the last Conference, I assured Your Highnesses with reference to the development of these annual meetings that any scheme which you might put forward would receive the most careful and sympathetic consideration of the Government of India. That same afternoon I understand that Your Highnesses appointed a Committee to draw up such a scheme and this Committee in successive meetings, held in November, December and January, prepared draft proposals which were informally placed before the Government of India. Communications from various quarters indicated that the scheme thus formulated did not represent the unanimous opinion of all the Princes, but considerations of space made it impracticable at that time to invite Your Highnesses to a full Conference, and we had to be satisfied with an informal discussion with certain of your number. This discussion was held at Delhi on the 4th and 5th of February of last year and His Majesty's Secretary of State for India was present at it. A digest of the proceedings was circulated in the following month and Your Highnesses will have noted that at the outset of the meeting I explained that it was not intended to arrive at any final and binding decisions. The discussions were, however, of very great value to the Secretary of State and myself when subsequently we came to draft Chapter X of our Report and I now invite Your Highnesses' considered opinion on the recommendations that we have made in that Chapter.

The first recommendation is that, with a view to future improvement of relations between the Crown and the States, a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others. The question of such a line has arisen in practical form in connection with the issue of invitations to Conferences on previous occasions. But Mr. Montagu and I felt strongly that, quite apart from this consideration,

such a dividing line would be likely to be of advantage both to Your Highnesses and to the Government of India as tending to minimise the risk that, in the words of the Report, "practice appropriate in the case of the lesser Chiefs may be inadvertently applied to the greater ones also." I am aware that the form in which our recommendation is framed has aroused anxiety among some of those Rulers who though invited year by year to past Conferences are not entitled to be regarded as exercising "full powers of administration," if the phrase is to be strictly interpreted. All such have been invited to attend to-day and they are thus in a position to represent their claims in person; but in order to clear the air of possible misunderstandings I should like to take this opportunity of explaining our reasons for wording the proposal in the form in which it appears in paragraph 302 of the Report.

Your Highnesses' Committee in the final draft Scheme recommended that the Council or Chamber should be composed of :—

(a) The Ruling Princes of India exercising full sovereign powers, *i.e.*, unrestricted civil and criminal jurisdiction over their subjects and the power to make their own laws.

(b) All other Princes enjoying hereditary salutes of 11 guns and over, provided that no State or Estate having feudatory relations with any sovereign State shall be eligible for membership of the Chamber.

In a previous draft of the Scheme it had been suggested that the Chamber "should be composed of the Ruling Princes of India exercising full sovereign powers, *i.e.*, unrestricted civil and criminal jurisdiction over their subjects and the power to make their own laws." After full consideration Mr. Montagu and I were of opinion that the Committee's first thoughts were on right lines. We felt that the whole question of salutes needed most careful investigation in view of the anomalies which appear to exist and we held, therefore, that it would be unwise to base upon the salute list, as it stands, any fundamental distinction between the more important States and the remainder. It appeared to us that if such a distinction is made, it must be based upon constitutional considerations, that is to say, upon the nature of the link between individual States and the Crown. The definition as now worded automatically excludes any States or Estates having feudatory relations with a full powered State, though I would here remark that it would not, of course, be appropriate to regard mere payments, originally of a tributary nature made by one State to another, as necessarily constituting feudatory relations.

I look to Your Highnesses to advise, in the first place, whether it is desirable that such a distinction should be drawn, and in the second place, if so, how the phrase "full powers of internal administration" should be interpreted in cases where doubt may arise. I may say at once that, in my opinion, the question whether a State is "full powered" or not should be regarded as unaffected by the fact that the Ruler's powers may be, for personal or local reasons, temporarily in abeyance or limited, though circumstances might exist in which the imposition of restrictions on a Ruler's powers might connote the desirability of his personal withdrawal from membership of the Princes' Conference. The essential question for classification purposes would seem to be whether the Ruler has normally the power to legislate for the welfare of his subjects and to conduct the administration without the intervention of British officials. I am aware that the power to pass death sentences is usually regarded as the most important test of the internal independence of a Ruler, but where this power, actually inherent in the Ruler, has been held in abeyance by Government pending the attainment by the State's judiciary of a reliable standard of efficiency, it would not seem necessary that the State should be excluded merely on this account from the full power list. In cases where restrictions still in force were imposed by the treaties or engagements which regulated our earlier relations with particular States or groups of States it may well be a matter for consideration by Government whether, in some cases, these restrictions might now reasonably be abrogated.

A memorandum has been prepared by the Foreign and Political Department showing existing restrictions on the powers of various Rulers whose eligibility for membership of the Chamber may be in doubt. Copies of this memorandum will be available for Your Highnesses' confidential information. Before quitting this point I should like to repeat a statement which I made a few months ago at Dhar, namely, that the Government of India are concerned to safeguard the rights, privileges and interests of the relatively small States no less than those of their larger neighbours and welcome their Rulers equally cordially as partners and co-workers.

The next recommendation is that with the consent of the Rulers of States their relations with the Government of India should be examined, not necessarily with a view to any change of policy, but in order to simplify, standardise and codify the existing practice for the future. In his Journal written more than a hundred years ago, Lord Hastings referred to "the formidable mischief," I quote his own words, "which has arisen from our not having defined to ourselves or made intelligible to the Native Princes the quality of the relations which we have established with them." In the memorandum prepared in January last by a committee of Your Highnesses' this sentence is quoted with approval. I realise that that memorandum must not be taken as conveying the considered opinion of those who did not share in its preparation, and I believe that in regard to this proposal, also, some concern has been felt by some among your number lest standardisation should involve a diminution of treaty rights. With a view to remove this concern, I desire to explain that the phrase "of course only by consent of parties", which occurs in paragraph 305 of the Report, means that it will rest entirely with the discretion of individual States whether to apply for the revision or modification of their existing treaties, engagements or *sanads*. It would clearly be absurd to imagine that the British Government would try to force upon a disapproving minority revised treaties in a standard form which might seem desirable to a differently situated majority.

On the other hand, although direct agreement naturally constitutes the most important source of obligations existing between the British Government and the States, yet it does not supply the full volume of them, and study of long established custom and practice is essential to a proper comprehension of the true character of the bond. The Government of India are anxious that the matter should be most fully ventilated because the suggestion has been made that custom and practice have in the past tended to encroach in some respects on treaty rights. Since we last met Your Highnesses have all, I believe, through your Residents and Political Agents, been invited to bring to notice instances of such encroachment, and I need hardly assure you that your representations will receive the most careful examination. I shall further welcome any general observations which any of Your Highnesses may desire to make during the Conference either on the subject of infringement of treaty rights or in regard to the possibility of revising treaties or simplifying and standardising custom and practice. There is an obvious risk that any over rigid standardisation might fail to take due account of the peculiar circumstances of particular States and of the special obligations which we owe to them by treaty. But the advantages of cautious codification are also clear, and the tendency of all progress is towards greater definition. Of recent years we have endeavoured to review our practice under various heads. Sometimes we have done this in consultation with Your Highnesses assembled here in Conference, as in such matters as minority administration and succession procedure. Sometimes we have proceeded by other means, as in the case of our policy in respect of telephones, tramways, compensation for land acquired for railways, the procedure for the grant of mining rights and so forth. We believe that in all these matters the result of our review has been to bring our practice more abreast of the requirements of the times and to harmonise it with the Darbars' needs. Your Highnesses will no doubt advise me whether, in your opinion, this policy can well be carried further in consultation with Your Highnesses and, if so, in what direction. It is possible that many of Your Highnesses may consider that if the recommendations made in the remaining items of the Agenda are eventually adopted, and especially the recommendation in regard to the

placing of important States in direct political relations with the Government of India, the desired unification of practice and development of constitutional doctrine will automatically follow.

There are other observations which I have to make on the subject of treaty rights and the obligations of the States, but I reserve these for a later occasion, when we come to discuss the agenda in detail.

Next comes the proposal to establish a permanent Council of Princes. At the last meeting I expressed the view that if an institution is to meet a real want and to give real help towards the progress of India, it must evolve gradually on the lines which experience may show are best suited to its healthy growth. To this view I still adhere. In any measures you may suggest in pursuance of the scheme, Your Highnesses will, I am sure, recognise the wisdom of proceeding with the greatest caution and of avoiding unnecessary restrictions or complications. I desire, at this point, to make it quite plain that the institution of the Council of Princes will not prejudice the relations of any individual Darbar with Government. It has already been said in paragraph 306 of the Report that the direct transaction of business between the Government of India or any State would not of course be affected by the institution of the Council, but it is important to emphasize this in the clearest possible terms. The Darbar of a very important State in their written memorandum have said, in this connection, that "it would be more desirable to have a properly constituted deliberative assembly with defined powers to deal with matters applicable to all the States generally as well as questions of common interest between British India and the Indian States." The Darbar do not, however, explain how the assembly could be vested with defined powers unless the Rulers who compose it are willing, in some measure, to entrust to a corporate body rights which they at present enjoy as individuals. Such delegation of powers is apparently deprecated by the Darbar because they say, later, that "the preservation of the right of dealing direct with the Government of India should, in fact, be an absolute *sine qua non* of the working of any such general Advisory Council."

In all matters relating to the constitution of the proposed Council, it is necessary to realise, firstly, that attendance and voting will be voluntary, and, secondly, that each individual State represented in it will retain the right of separate negotiation with Government and the right to expect that Government will consult the Darbar in writing in regard to important matters affecting their interests. Lastly, there is another essential point which I feel confident Your Highnesses will bear in mind. We, on our part, are glad to develop means whereby Your Highnesses may maintain your rights and increase your *izzat*. You, on your part, will not forget that the British Government is the Paramount Power in India and that this fact must colour its relations with Your Highnesses in respect of the institution and proceedings of this Council as in other matters. With these words, I will leave the development of the theme to Your Highnesses and I am sure that there will be much thoughtful and fruitful discussion on this all important subject.

Following on the proposal for a Council is that for a Standing Committee of this body. Of the working of a Council we already have some experience gained at annual Conferences in the past. The appointment of a Standing Committee would be a new experiment and there is therefore all the more need for treading cautiously. I understand that the suggestion has not met with unanimous approval and that some of the Central India Darbars think that a series of local Standing Committees would be more useful than a Central body.

Then there is the recommendation for Commissions of Enquiry. I believe that this may well prove one of the most fruitful of our proposals not only by reason of the differences that it may settle but by reason of the increased spirit of confidence which we hope it may engender. The findings of a judicial tribunal are not always acceptable to the parties concerned in a particular case. But the knowledge that a competent and independent Court of Enquiry may at

any moment be called into existence is in itself a valuable asset and should go far to remove any feeling which may exist that the Government of India are both judge and advocate in their own cause. It should also obviate any complaint that the reasons by which Government are actuated in their decisions are either not disclosed or only inadequately stated. I have heard it said that some of the less affluent States are afraid that if disputes between them and wealthier States were referred to a Commission of Enquiry, they would be at a disadvantage, since the expense of preparing their cases and engaging competent counsel would be prohibitive. The answer to this is that the Viceroy has entire discretion whether to refer a case to a Commission of Enquiry or not, and he would undoubtedly never do so if there were likelihood that reference to a Commission would involve unfair disadvantage to one of the parties. It would never be allowed that the Commission of Enquiry should develop into an engine of oppression to be used by the richer against the poorer States.

Your Highnesses will have observed that it is proposed that the Court should be a Court of Enquiry only. It will be obvious, however, that the finding of a Court constituted as we propose must carry the greatest weight with the Government of India, and in what we hope will be the rare case of the Government being unable to accept its findings, we propose a right of appeal to the Secretary of State.

Next we have the proposal for a Commission of Enquiry to advise on any question that may arise—we hope but very rarely—of depriving the Ruler of a State of his rights, dignities and powers or of debarring from succession a member of his family. This too is based on the recommendations of your Committee and I trust that in the definite formulation of this principle Your Highnesses will recognise the desire of the Government of India to afford the amplest security against any risk of hasty or arbitrary treatment in a matter which must always be one of deep concern to your Order.

The seventh proposal is that, as a general principle, all important States should be placed in direct political relations with the Central Government. In paragraph 310 of the Report we have discriminated between the States which are now in relation with Local Governments and those which are in relation with the Government of India through Agents to the Governor-General. As regards the former, we said that their future position cannot be determined immediately, since both the wishes of the Darbars and also the administrative advantages must be considered. We thought that in some cases the Government of India might assume direct relations with these States while in others they might be left for the time being in relation with the Provincial Government. There are, as Your Highnesses know, very real difficulties in the way of inaugurating any uniform rule in the matter. In the case of some States their remoteness from Delhi and Simla is a bar to closer relations with the Central Government. In other cases the administrative interests of British Provinces and States are so closely interwoven that any proposal for change of method requires most careful scrutiny. We may keep the principle of direct relations before us as an objective at which to aim, but we must beware of hasty action and proceed circumspectly.

The cases of States in relation with Local Governments will accordingly be considered in due course with reference to the wishes of the Darbars and the administrative requirements of the situation.

I turn next to consideration of the principle which should govern communication with States which are or may be in direct political relations with the Central Government. The ideal to be aimed at is that there should be, wherever possible, only one Political Officer through whom the State should correspond with the Government of India. In paragraph 310 of the Report it is stated that where the authority immediately subordinate to the Government of India is an Agent to the Governor-General, the choice should lie

generally between abolishing the office of local Political Agents or Residents, while transferring their functions to the Agent to the Governor-General with an increased staff of assistants, and abolishing the post of Agent to the Governor-General while retaining Residents accredited to States or groups of States. A third alternative is that, instead of abolishing either the Agent to the Governor-General or the Resident, where both officers exist, the Residents of particular States might be allowed to communicate direct with the Government of India, sending a copy of such communication to the Agent to the Governor-General for his information. Before discussion opens as to the feasibility of these suggestions, or others that may be put forward, I wish to make it plain that the Government of India do not contemplate the possibility of stereotyping their means of communication with States by sweeping changes which shall be of universal application. Some States have reached the stage of advancement at which it would be both convenient and suitable for them to have direct political relations with the Agent to the Governor-General, should they desire this. In other cases, Darbars both need and would doubtless prefer to retain for the present the advice and assistance of an officer living on the spot, or near by, who is acquainted with local conditions. Again, while it is eminently appropriate that the greater States should be in relation with the Government of India through their individual Residents, the system is not capable of indefinite extension, since over-centralisation is incompatible with wise and sympathetic conduct of affairs. We wish to clear and straighten the channels of communication where they are choked or devious, but this does not mean scrapping the distributary system. Groups of States will, for a long time to come, need the advice and assistance of a senior Political Officer equipped with a staff of specialists trained in the different branches of administration, while, on the other hand, the Government of India equally need the intervention of such an officer both as a convenient channel of communication and to relieve them of minor responsibilities with which they are not fitted to deal. Co-ordinating influence and external stimulus are particularly necessary when difficulties arise, such as famine or plague or matters of common obligation, affecting many States, or for the solution of local problems not justifying reference to the Central Government. Recent war emergencies have illustrated this very forcibly.

The last proposal is a further development from the scheme for a Council. Your Highnesses will recollect that in dealing with the constitution of British India we have proposed in the Joint Report a Council of State which, to use the words of the Report, "shall take its part in ordinary legislative business and shall be the final legislative authority in matters which the Government regards as essential." What we have in view is to provide means of deliberation between the Government of India and Your Highnesses on matters of common interest by joint deliberation and discussion between the Council of State and the Council of Princes or between representatives of each body. Such joint deliberation would take place only at the instance of the Viceroy and it will be obvious that in making use of the provision the Viceroy would attach the greatest weight to any wishes which Your Highnesses might from time to time express in the matter. The arrangement would be permissive only and at the outset I suggest that simplicity and freedom from restrictions will be a supreme merit of a scheme which, rightly used, may well hold a rich store of benefit for this great country which we all love and in which the Princes and Chiefs have a joint heritage with the peoples of British India.

Now, Your Highnesses, may I suggest, before the deliberations which are going to take place during this week commence, that, as the Political Secretary has most carefully divided up the various heads which you will be asked to discuss and appointed various days for their discussion, Your Highnesses, in discussing the various heads, should confine your remarks to the head which is under discussion and not let your remarks roam over the vast field which I have unfolded to you this morning. We shall have very little time really to consider these grave matters during this week, and it is of the greatest importance that we should endeavour to circumscribe our remarks to the best of our ability and confine them entirely to the matter in issue.

SPEECH BY HIS HIGHNESS THE MAHARAJA OF GWALIOR.

YOUR EXCELLENCY,—

We are deeply touched by the kind and sympathetic reference which Your Excellency has made to the sad demise of six Ruling Princes, Their Highnesses the Maharaja of Jodhpur, Rewa, and Faridkot, the Maharawal of Dungarpur, the Nawab Sahib of Palanpur and the Raja Sahib of Khairagarh, who were amongst us at the last Conference; and we desire to associate ourselves whole-heartedly with the expression of sympathy with which Your Excellency has prefaced the important address to which we have just listened with profound interest. It has been an eventful year through which we have passed, not only in the darker phases such as famine, pestilence, war, and their attendant evils and sufferings, but in the dawn of a happier time which is heralded by the glorious termination of the conflict that was devastating the world for the last four years.

Your Excellency,—The agenda of business before the Conference is an important one, and we look forward to important and early results, as the outcome of deliberations and discussions which the agenda invites and which will occupy our time for the whole of the current week. We hope to address Your Excellency more fully on the last day and so we will not take up any further time to-day.

RESOLUTION BY HIS HIGHNESS THE MAHARAJA OF KAPUR-
THALA ON THE SUCCESS OF IMPERIAL AND ALLIED FORCES.

YOUR EXCELLENCY,—

I beg leave to move the following resolution :—

That the Ruling Princes of India assembled in this Conference request His Excellency the Viceroy kindly to transmit to His Imperial Majesty the King-Emperor their respectful but warmest congratulations on the glorious termination of the war, coupled with an assurance of their abiding loyalty and attachment to His August Person and Throne. They also desire to seize this opportunity of paying a collective tribute to the brilliant achievements of the Imperial and Allied Naval, Military and Air Forces on all fronts, which have so completely crippled enemy power and resistance and have brought the prospect of an enduring peace within measurable distance.

Your Excellency,—No task could be pleasanter for me than to introduce such a resolution, and no subject, without a shadow of doubt, would be more congenial to this distinguished assemblage or more certain of an enthusiastic reception than the one the resolution embodies. For over four years our Empire and its Allies were engaged in a deadly conflict with an enemy whose ethics of warfare knew no scruples and who treated international obligations as mere scraps of paper. Throughout this crisis no effort was too huge and no sacrifice too great for the Associated Powers to undertake in order to achieve the common goal. The high and noble example, set by His Imperial Majesty himself acted as an inspiring force throughout his far-flung Dominions. The resolve to end the military tyranny responsible for the war was everywhere solid as rock. But above all the undaunted spirit of the armed forces of the Empire and its Allies, which sustained them through fair weather or foul, is worthy of the highest admiration. The masterly skill with which the advancing hordes of Germany in France were brought to a standstill and then swiftly thrust back last year was a marvellous military feat and one that definitely sealed the fate of German dreams of world domination. No less brilliant were the valiant deeds of our armies in Palestine, Mesopotamia and East Africa. Each front contributed its quota, proportionately to its sphere and character of

operations, to the general result. At length the final collapse came on all of a sudden like a house of cards, and right and justice scored a definite triumph over the forces of barbarism. The men whose prowess and sacrifices have secured for us such a splendid blessing are, therefore, entitled to our deepest gratitude. The Indian Princes are proud to feel that they have been privileged to participate in this historic struggle. We all sincerely hope that the deliberations of the leading statesmen of the world now foregathered in Paris, in which we rejoice to think a distinguished member of our Order is taking an active share, may fructify in ushering in an era of lasting and glorious peace.

His Highness the Maharaja of Navanagar :—Your Excellency,—It is with genuine delight that I rise to second the resolution so eloquently introduced by my esteemed friend His Highness the Maharaja Sahib of Kapurthala. The feeling of relief at the termination of this catastrophic struggle between two world-old principles of Force and Freedom, Darkness and Light, Repression and Progress, is so great that any attempt on my part to clothe it in words is bound to fail. We have all passed through the crisis hand-in-hand; and if the ethics of an abiding moral purpose running through all happenings, however dark and evil, need an illustration, there is none better than the wonderful consolidation of the various constituents of the British Empire in the face of the grave danger that threatened civilization for fifty-two terrible months of trial and effort.

Your Excellency, our thankfulness to Almighty God is truly great, in that India, its Princes and its peoples were given an opportunity of shouldering the common burdens of the Empire in a manner worthy of India's traditions and position in the Family of Nations; and may I venture to submit that India's whole-hearted participation was the outcome of loyalty and devotion which we all feel for His Imperial Majesty, our beloved Emperor, whose sympathy and solicitude for India's peoples and Princes have bound them to His August Throne and Person, with cords of love, indissoluble and enduring. If in His Imperial Majesty's gracious words, India had an opportunity in the need of the Empire, we beg respectfully to express a hope that we, as component parts of the Empire, have not fallen far short of the expectations formed of us: and may we be allowed to cherish a belief that the glorious victory will open a brighter and nobler chapter in the historic relations subsisting between the Crown and the Indian States.

My Lord, the sufferings of the world have been immense: Belgium and Servia have passed through a cruel spoliation, unparalleled in history, France has withstood the onslaught with magnificent courage, chivalry and stubbornness; the armies of the Associated Nations have achieved wonders of resistance and heroisms. That great Republic, the United States of America, has stepped in at the right moment and her brilliant assistance has laid "Civilization" under an abiding obligation. Our own armies have been the emblem of the wonderful organisation of the British Empire and each part representing the ready and zealous response of the daughter-nations of the Empire has endeavoured to surpass the other in bravery and sacrifice. What shall we say of those immortals, the glorious contemptibles, who, as the Premier has truly observed, have gathered the spears of the advancing Huns on their breasts and shown the world what patriotism can achieve, in the first months of dark suspense on the fields of Flanders and France. We can never forget the Royal Navy, that sure shield not only of England, but, as the events have proved, of the whole civilised world and humanity at large. We are proud to know that the Indian Forces have fought with great gallantry side by side with their Western brothers in five theatres of the far-flung war: France, Gallipoli, Africa, Palestine, and Mesopotamia. Our tribute of admiration for the Navy and the Army would be incomplete unless it were coupled with a request to Your Excellency to convey our united congratulations to the great Commanders, who have led the units under their charge to victory: Field Marshals Lord French and Haig, Admirals Jellicoe and Beatty, and Generals Allenby and Marshall.

May we include in this list of congratulations the honoured names of Lord Hardinge and that of Your Excellency, who have marshalled the resources of India in the service of the Empire during critical times with such signal success, and also that of His Excellency General Sir Charles Monro, our Commander-in-Chief, whose masterly withdrawal from Gallipoli is one of the epics of the present war.

Your Excellency, I must resist the natural temptation of dwelling at length on the glorious page in the history of our Empire and resume my seat with a very hearty endorsement of the resolution before us.

His Highness the Maharaja of Alwar:—Your Highnesses,—As the only means available to us at this moment of giving our hearts' expression to this resolution, may I request you to rise and wholeheartedly join in three cheers for His Most Gracious Majesty the King-Emperor.

Three cheers were then given for His Majesty the King-Emperor.

His Excellency the Viceroy:—I think I may conclude from those cheers that it is unnecessary to put the motion which has been formally moved by His Highness the Maharaja of Kapurthala and seconded by His Highness the Jam Sahib. It will be a great pleasure to me to convey to His Majesty the resolution which you have passed in this fashion.

The Conference then adjourned.

After re-assembling.

His Highness the Maharaja of Dewas (Junior Branch):—Your Excellency and Your Highnesses,—Before I proceed to deal with the day's business I beg to be permitted to express a few remarks regarding the evolution of our Conference. We, the Rulers severally of the various provinces of India, meet this year under conditions extremely auspicious but very different from those that prevailed during our previous Conferences. It must be acknowledged at the outset that it required very bold statesmanship to allow us all to meet and to confer with one another on questions that affect us all and the Empire. Judged strictly, our existing compacts could hardly admit of such an event. Our individual original contact with the British Power is not all of one definite period, and even such contact, in many instances, has undergone a chequered and varied fortune. But about or during the régime of Lord Canning, our first Viceroy, it can safely be asserted to have reached a solid and permanent footing. This fact by itself speaks volumes in favour of the Power which stepped in our midst at a time when we severally were cut up by mutual dissensions and warfare and were absolutely at the mercy of any rapacious intruder—not to devour us one by one and all but collectively to protect the Indian powers and the British Indian humanity; nay, further to maintain us as far as circumstances and exigencies permitted. Can there be a grander and more eloquent testimony to British sense of justice and fair play than this? I am sure Your Highnesses will agree with me in saying *no*. Well, then, it is as a continuous result of that policy which first declared itself in the historic and Majestic utterance of our Gracious and Sovereign Lady under command of Parliament, I mean Her Most Illustrious Majesty Queen Victoria of revered memory, the first Empress of India's proclamation of 1858, that we have been meeting together all along and have so met here to-day. But you, Sir, Lord Chelmsford, have earned our special gratitude and esteem, inasmuch as our Conferences began to assume during your régime a form and shape that they had not before, and which spells very good augury for the future. We met year after year during the most convulsing period of the world's history and an invaluable chance was extended to us, thanks to Your Excellency's sagacity and foresight, to prove to the world how loyally and intimately we thought our destinies were bound up with those of the British Power and to dispel the likely fears of us

at such a critical juncture. To quote from the Report "our services were a profound surprise and disappointment to the enemy, and a cause of delight and pride, to those who knew beforehand the Princes' devotion to the Crown. They have shown that our quarrel is their quarrel and they have both learned and taught the lesson of their own indissoluble connection with the Empire and their immense value as part of the polity of India."

I now turn to the immediate task before us. Your Excellency and Your Highnesses, I hope I shall not surprise you if I say that the task before us is a real task demanding on the part of us all sincerity of purpose and fellow-feeling, prudence and sagacity, delicacy and intelligence—all of a very high order. Each one of us individually may prove very unequal, but all of us collectively may bring to bear on our purpose united action, and under Your Excellency's leadership I am sure a solution much to the relief of all concerned will ensue.

We are met here to consider, firstly, Chapter X of the Joint Report with particular reference to the recommendations indicated in the Agenda, and secondly, the question of precedence of Your Highnesses *inter se* at social functions.

With a view to a proper and adequate consideration of the Agenda, it is very essential firstly to trace the genesis and grasp the scope of the Report as a whole, and secondly to understand Chapter X of the Report as a whole before taking up the points on the Agenda.

Touching the first aspect I cannot do better than invite your kind attention to the following salient passages which I quote from the Report almost *verbatim*.

The Joint Report embodies the conclusions to which both Your Excellency and His Majesty's Secretary of State for India have come touching the constitutional changes which are desirable in India, on completion of the enquiry which you both were directed to undertake in the decision announced in the House of Commons on the 20th August 1917; while the said decision was rendered necessary because Your Excellency's Government, from the fact that the situation demanded new handling, felt and pressed that without the declaration of policy it was impossible for Your Excellency's Government to act effectively on a directed course. Consequently, the policy was declared on that memorable day in the following terms:—

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions with a view to the progressive realization of responsible Government in India as an integral part of British Empire. They have decided that substantial steps should be taken in this direction as soon as possible."

So far, however, there is nothing that we can take exception to. But the Report says further:—

"We take these words to be the most momentous utterances ever made in India's chequered history. They pledge the British Government in the clearest terms to the adoption of a new policy towards three hundred millions of people." "The announcement marks the end of one epoch, and the beginning of a new one." "Hitherto we have ruled India by a system of absolute Government, but have given her people an increasing share in the administration of the country and increasing opportunities of influencing and criticising the Government." "Our immediate purpose is to point out how changes in British India may react upon the States. As we shall see, the volume of business, which is of common concern to the States and to British India, is steadily growing in importance. So long as such matters remain ultimately in the hands of the Governor-General in Council, the Princes may perhaps rest content with the means which they have at present of securing the due consideration of their views. But if the control of matters common to India as a whole is shared with some popular element in the Government, it must be anticipated that these Rulers may wish to take a share

in such control also. There is a stronger reason why the present stir in British India cannot be a matter of indifference to the Princes. Hopes and aspirations may overleap frontier lines like sparks across a street. There are in the Native States men of like minds to those who have been active in spreading new ideas in India".

I confess I fail to follow the drift and force of the above observations. I am rather inclined to think that we, Rulers of Indian States, have very little to do with the system of internal Government of British India and have everything to do with the final decision of all such matters concerning British India as directly affect us and our subjects. Beyond this above limitation, there is no other so far as I can judge and see. To quote again from the Report—"The independence of the States in matters of internal administration carries with it the counter obligation of non-interference in British Indian affairs".

This brings us presently to a consideration of the crucial point—"Position of the Native States with respect to British Government"—and when once this fundamental relation is clearly perceived and grasped, the path before us becomes clear and pitfalls are avoided. I venture to say that without a clear perspective of this, much of what we may say regarding the recommendations will lose value and consequently fail to command the attention of His Majesty's Government.

I now turn to the second aspect. Although India may be in fact, as well as by legal definition, one geographical whole, yet the integral connection of the States with the British Empire consists in their relations to the British Crown. In spite of the varieties and complexities of treaties, engagements, and *sanads*, the general position as regards the rights and obligations of the Native States and the British Crown *inter se* can be summed up in a few words. The States are guaranteed security from without; the Paramount Power acts for them in relation to foreign powers and other States. On the other hand, the States' relations to foreign powers are those of the Paramount Power; they share the obligation for the common defence. It is thus clear that this is how we severally came to be connected and have to this day continued to be connected with the British Crown; and it redounds in no small measure to the credit and glory of British Power, in that she has publicly declared, time and again, and acted up to the obligations she took on herself. Say the distinguished authors of the Report:—"Our business, however, is to observe our treaty obligations and to refrain from interference, and to protect the State from it." "Before we pass on to state our own proposals, we wish to say that we think that the Princes should be assured in the fullest and freest manner that no constitutional changes that may take place will impair the rights, dignities and privileges secured to them by treaties, *sanads* and engagements, or by *established practice*."

Here, then, is a definition in clear and unmistakeable terms of our connection with British Crown which must be carefully borne in mind in considering the proposals of recommendations before us as well as in estimating the future position of the Native States in a changing Indian Empire.

His Excellency the Viceroy:—I might suggest to Your Highnesses that you might impose upon yourselves a time-limit with regard to the speeches. We have to get through a great deal of work, and if every speech is likely to take more than half an hour we shall have to sit for many weeks and I don't think it will be possible for us to do that.

The Chief of Sangli:—Your Excellency,—Kindly allow me to offer my most grateful thanks to Your Excellency and to the Right Honourable Mr. Montagu, Secretary of State for India, for having inaugurated by the proposed new measures a policy of trust and confidence towards the Ruling Princes and Chiefs of the Indian Empire. This measure involves to my mind issues of historic moment and profound significance to the whole of the Indian Empire. The Reform proposals of Your Excellency recognise the budding of a new political life in Feudatory India and make a generous attempt to satisfy its hopes and aspirations. They place the Ruling Princes and Chiefs as a body in a position in which they will be able to co-operate with the Government more effectually

than heretofore, and stimulate the forces which will go to weld together the Ruling Princes and Chiefs on the one hand and the Government on the other. They constitute a marked fulfilment of the historic promises made to the Ruling Princes and Chiefs of the Indian Empire by Queen Victoria, the Good, in Her memorable proclamation of 1858 confirmed by subsequent proclamations of King-Emperors of India. From whatever standpoint we may look at them they constitute a far-reaching and deep-reaching move. No more momentous Indian topic has been so smoothly attempted to be settled and we must frankly and freely recognise the courage and steadfastness and magnanimity of Your Excellency and the Right Honourable the Secretary of State in proposing them. They open a new era in the history of India and they will secure for Your Excellency and the Secretary of State a lasting place in the love and affection of the Indian Princes and Chiefs.

The principal feature of the new scheme consists in the honest attempt which it makes, to secure greater fusion and unity between British India and Feudatory India than what has hitherto been possible to achieve. It is true that some of Your Excellency's illustrious predecessors, Lord Curzon, Lord Minto, and Lord Hardinge, had this principle in view to which they gave expression on more than one occasion, but it was reserved for Your Excellency and the Right Honourable the Secretary of State for India to take the first decisive steps towards the accomplishment of this noble object. In my humble opinion nothing is more calculated to secure this end in a most satisfactory manner than the Council of Ruling Princes which Your Excellency proposes to establish. Such a Council will enable the Ruling Princes and Chiefs to meet together and meet the Supreme Government and to place before them its collective opinion on matters connected with its own interests and welfare and with those of the Empire. Government, too, on their side will be able to ascertain from the Ruling Princes and Chiefs their wishes, hopes and aspirations. But the sphere of usefulness of the Council of Princes like this would seem to lie in its basis being broadened by the inclusion within its orbit of a large number of Ruling Princes and Chiefs. The larger the number of States taking part in the Council the more powerful its voice would be. It is, moreover, due to the several States which, on the basis of qualification prescribed by the scheme, are likely to be excluded from the Council that they should have their interests properly represented in the Council. Another feature of the scheme which is equally satisfactory and for which we are very grateful to Government is the attempt to place on a sounder basis the system of dealing out justice to Indian States. The system of appointment of independent commissions for the purpose of adjudicating between a State and Government or between State and State is worthy of all praise and it is sure to give universal satisfaction. But it would be more graceful and more in keeping with the generous and liberal scope of this proposal if the right to ask for the appointment of a commission be conceded to the party concerned instead of reserving the matter in the sole discretion of Government. In conclusion, I beg to assure Your Excellency that I have very strong hopes that the new scheme will be a source of deep contentment to the Indian States, of peace, strength and stability to the British Empire and of prosperity to the people of the Indian States.

His Highness the Maharaja of Navanagar:—Your Excellency,—I have been asked by His Highness the Maharaj Rana of Jhalawar to express his views on the general question. His Highness is absent to-day because he has been operated upon for a boil on his neck. May I have your permission to read them?

His Excellency the Viceroy:—Yes.

His Highness the Maharaja of Navanagar then read the speech of **His Highness the Maharaj Rana of Jhalawar:—**The proposals, embodied in Chapter X of the Report on Indian Reforms, have been made in a very fair and liberal spirit. The new conception of the relationship of the Indian States to the British Empire lays the foundation of a healthy

political unity and growth and opens up a vista of immense possibilities. The proposals are, on the whole, acceptable with slight necessary modifications. The creation of a Council of Princes is, in itself, a momentous event in the history of Indian politics and is fraught with great significance. It would bring the States out from their stagnant isolation and let their energies have a free flow towards Imperial unity and co-operation. We may start with a moderate beginning, limiting our deliberations to a few subjects of importance in relation to the constitution of the Council. But I am sure that, in the fulness of time, we shall have a wider range of subjects and ample opportunity to settle all the questions of vital importance to our States.

His Highness the Maharaja of Dewas (Senior Branch) :—

I agree fully with the general trend of the proposals in Chapter X of the Report and wish to express the obligation which I for one feel that I am under to Your Excellency and the Right Hon'ble Mr. Montagu for this very important step forward thus taken in the evolutionary history of the Indian States; a step which I feel to be essential if the States are to keep abreast of the times.

With all due deference, however, to the proposals as they stand, I would submit that, in my opinion, a still further advance could be safely made (and should, I think, be made) even at this stage in the interests both of the Empire and of the States themselves.

We have now a unique opportunity, which I firmly believe should be taken full advantage of to-day, when a spirit of co-operation is abroad, born of the evil times from which the Empire has so generously emerged; a spirit which has engendered a new feeling of material trust resulting everywhere in the disappearance of restrictions and limitations, now out of date, a legacy of the past.

May I remark, it seems to me, that there are but two ways of dealing with far-reaching reforms such as these; one is to advance slowly imposing restrictions and limitations to be gradually removed; the other is to grant all possible liberty at the outset, subject of course to the proviso that abuse of such liberty will naturally result in its curtailment. I think there can be no two opinions that, especially where the strong is making a gift to the weaker, the second method is the more generous and also the safest to pursue. For in this case the absolute paramountcy of the giver and his final voice in all matters, as well as the loyal acknowledgment thereof by the receivers who flourish under his aegis, is beyond all question.

His Highness the Maharaja of Navanagar :—Your Excellency,—Speaking on behalf of the Princes of the Bombay Presidency, and more particularly Kathiawar and Guzerat, I beg to convey our best thanks to Your Excellency and Mr. Montagu for having given us an opportunity of discussing the various provisions of the scheme prepared by the Committee of Princes and for the very sympathetic consideration that both of you have given to those proposals. We are gratified to find that the general principles underlying our recommendations have been approved of and adopted in Chapter X of the Report.

To me personally, as a member of the Committee, it is a matter of great satisfaction that our labours have borne some fruit and have not been altogether in vain. We must gratefully acknowledge that the general lines on which the Report has been framed are quite acceptable to us. It is true that it would have given us much greater satisfaction had our proposals been accepted *in toto*, for we firmly believe that in our opinion they were quite reasonable, as we hope to show in the discussion on the details of the scheme. Whatever may be the result of these discussions, we whole-heartedly support your recommendations which have been made in a spirit of sympathetic liberality and we trust that modifications more in accordance with our wishes will be made as a result of our deliberations in this Conference.

We miss the presence, to-day, of His Highness the Maharaja Sahib of Bikaner, who had taken a prominent part in framing the scheme which the

Committee has put forward. I am sure it would have given him the greatest pleasure to have personally expressed to Your Excellency his gratification that the labours of the Committee have borne fruit. The proceedings of the Committee were not quite unruffled; they were sometimes amusing, at times tragic, but they were always strenuous. It is pleasing to realise that the mature consideration given to them has at last brought about a harmonious conclusion, thanks to the really kind reception the scheme has been given by Your Excellency and the Secretary of State.

Her Highness the Begum of Bhopal:—Your Excellency,—We owe a debt of deep gratitude to Your Excellency and the Right Honourable the Secretary of State for India for your proposals in regard to the Indian States in Chapter X of your Joint Report, which, on the whole, adequately meet our requirements, and give reality to the consciousness of common interests increasingly felt by the Princes, and their desire to be more intimately associated with the Paramount Power. Our own ideas on the subject gain fresh life as a result of these proposals, which appropriately provide for the collective opinion of the Princes being sought by the Government of India as trusted colleagues and partners in the administration of the Indian Empire. We will all shortly discuss the various proposals in detail, but at the commencement of our labours I feel it my duty to express our sense of gratefulness to Your Excellency and the Secretary of State.

Your Excellency, in view of the essential identity of interests between British India and the Indian States, is affording us a great opportunity for starting a new development along most hopeful lines, and the remarkable consideration for our Order, which is written on every page of the chapter on the Indian States, cannot but be most cordially appreciated by all Rulers of Indian States. That the proposals of the Joint Report will immensely improve and assist the future relations between the Crown and the States, is undoubted, and, when the history of these days comes to be written, I assure Your Excellency that the proposals of the Joint Report will be looked upon as a memorable commencement of the epoch which is destined to see a more intimate association of the States with the Government of India.

His Highness the Maharaja of Alwar:—Your Excellency,—I feel it my very pleasant duty to join in the chorus of praise which has been showered on the portion of the Reforms Report relating to the Indian States. The Report has been framed with such a depth of vision, such a breadth of view, and it has been so happily worded in expressing many sentiments regarding our Order, that he would indeed be a sour-minded critic who did not appreciate the generosity of mind and the general note of sympathy which pervades throughout its paragraphs. Your Excellency, in your very important speech to-day, has surveyed the ground as to how the results of the Conferences during the vicerealties of Lord Hardinge and yourself encouraged the Princes to entertain hopes for the early establishment of the annual Conferences on a permanent footing, and how the Princes assembled at an informal meeting last year elected four members, of whom I had the privilege of being one, to draft proposals for the consideration of Your Excellency and the Right Hon'ble, the Secretary of State. These proposals, we feel grateful to think, have been taken by the distinguished authors of the Reforms Report as the basis for many of the recommendations that have been made, and Your Excellency has invited us to the present Conference in order that, by the exchange of frank and candid views on both sides, important proposals regarding the future of Indian States may materialise in the near future. The great war of liberty has now, thanks to the Allies, come to a victorious and satisfactory end. The silver lining to the cloud is at last on the horizon and peace, we hope, is now only a matter of a few more months. The world will soon be busy working out the great design of the master-hand of Providence who worked these great upheavals, no doubt for a great cause. While India's destinies will be re-shaped, the proposals regarding our Order which are under consideration at the present Conference

will, we sincerely hope, also, at an early date, become an accomplished fact. On the eve of such an important occasion, when we are assembled to discuss these all-important questions, I am sure I can say that we come here in no spirit of mere selfish gain, nor with the only idea as to how we can exchange new lamps for old. The welfare of the Empire and of our motherland, which are synonymous with the cause of His Imperial Majesty the King and his Imperial Government are surely as much our concern as is the safeguarding of the interests of our States. To want is only human and I have no doubt we want many things, but that tendency does not signify the necessity of encroaching on each other's rights. On the other hand, it is the mutual and liberal recognition of each other's positions that leads to that great spirit of co-operation and good-will with which I like to think we have equipped ourselves for proceeding with the different subjects on our Agenda. It is not gain but sacrifice which leads to that high ideal where friendship ripens and the bonds of good-will strengthen their permanent hold. That these sentiments may guide our proceedings is my ardent wish, and that our deliberations may fructify at an early date in creating the organisation of a Chamber of Princes which may be a source of strength to the Empire and of benefit to the States is, in conclusion, my fervent hope.

Agendum I.—Item (1).

His Excellency the Viceroy:—As I understand none of Your Highnesses wish to address the Conference further on this subject, we might now come to item 1 of Agendum I. Let me remind Your Highnesses what that is:—

(1) that, with a view to improve future relations between the Crown and the States, a definite line should be drawn separating the Rulers who enjoy full power of internal administration from the others.

What I would suggest to Your Highnesses is that this is evidently a matter which will have to be considered in committee; while it would be well for us to have a preliminary discussion here in full Conference, I would suggest that the best way to treat this important subject is through the work of a committee.

His Highness the Maharaja of Kolhapur:—Your Excellency, —Neither my eyes nor my voice are clear, so I hope Your Lordship and my brother Princes will excuse my indistinctness. The whole of the Reforms Scheme concerning the Indian States is based on the assumption that a "definite line could be drawn separating the Rulers who enjoy full powers of internal administration from others" and "that such a classification would be effected after due inquiry." The Report further distinctly says that "the proposals are intended to relate only to States who enjoy full powers."

At the outset this clearly leaves out of account more than 600 out of a total of about 700 States. Any general scheme of reforms regarding the whole of British India and the Native States would be incomplete if it leaves out of account so many principalities. The Rulers of these States are bound to the Crown by treaties, and their rights and dignities and *izzat* are preserved by the same general proclamations and promises, which have been given to the larger States. The future position and development of these States is as much a matter of Imperial concern as the progress and the dignity of the larger ones. Some of them have a glorious past and traditions which some of the full-powered States cannot claim. These States have shared a full portion of the contributions towards the present war in men and money. The loyalty of these Rulers is no less genuine. In short, these States have as much right to live intact and develop as the larger ones. Their exclusion will cause bitter disappointment to their Rulers at a time when the position of everyone else is being treated with unusual generosity. If the views and opinions of these Rulers are not before Government, the fault is not theirs. There is yet sufficient time to consult and ascertain their wishes. All classes

and communities and shades of opinion have had their say. To deny or even defer the consideration of the rights of these Rulers of being heard is an anomaly, the consequence of which would be quite clear to politicians of the type of the Secretary of State and Your Excellency. I propose that their wishes may at once be ascertained by holding their conferences at the principal centres, and a committee on which they ought to be represented be appointed to consider their incorporation in the general scheme of reforms about the Native States, on the basis of Bundesrath in Germany. I would go further and say that it is not good to cast any Rulers outside as "political untouchables". The geographical position, the smallness of the size, the want of full jurisdiction and the want of prestige which is due to the bigger States, make the position of these smaller States very difficult. If the bigger States are in fear of being unfavourably affected by the coming political changes, the smaller ones require by far the greater protection. In the above remarks I have taken for granted that a line, as suggested in the Report, can be drawn separating the Princes with full internal powers from others. I am sorry I have not got the copies of all up-to-date revised treaties of all the States. So I am taking my facts from the last edition of Sir Charles Aitchison's. I think it is no easy task to draw a clear line that will so separate the greater ones from the smaller States.

The meaning of the phrase "full powers of internal administration" is nowhere defined in the Report. Many inroads have been made into the internal autonomy of the States, in spite of such terms in the treaties as "the Maharaja is full master of his territories," or "the British Government" shall not interfere with the country of the Maharaja". Most of these inroads have been necessitated by the stress of circumstances, the political exigencies, and the oneness of the Empire. The cession of territories for the railways, trunk-roads, or major irrigation works, the acceptance of the postal and telegraphic rules, the acquiescence in the currency policy, the taking over of administration during minority, the very power of deposing a Ruler, and a hundred and one other obligations accepted by the States have carried on the pruning process to such an extent that the international lawyers hesitate to use the expression "full internal powers" with regard to any Indian State.

If the intention of the great authors of the Report be to interpret the expression in the sense given to it in the *Scheme of Reforms proposed* by the Princes at Delhi, still the question is not free from difficulties. Taking the expression in the sense given to it in the Delhi proposals, namely, "full civil and criminal jurisdiction with power to make their own laws", the following facts confront us. How are such conditions as 'advice in important matters' to be reconciled? Moreover, there are various shades in what are considered "full internal powers." No State does try, as a matter of fact, British European subjects for criminal offences committed within the territorial limits of the State. Even in some big States the powers are subject to the "control and advice" of the Resident. With regard to some big States such a condition as follows is laid down:—"The Maharaja shall be entitled to hold possession subject to the conditions of the treaties", and those conditions lay down the details of policy and of criminal and civil justice, and leave to the States very little, if any, power of making their own laws. Some States have full powers to try capital offences of their own subjects only; there are others who can try capital offences of any persons except British subjects; again there are some who send their papers to Government in cases of capital offences. All these States consider that they have full powers. If some of these States are excluded, it will mean no small offence to them. To give additional powers to some big States, in order to include them in the higher order, is to beg the question. It would not then be the internal autonomy that would be the separating line, but some criterion other than such powers.

Even if these shades be neglected, which are by no means small matters, the line then drawn would not be useful in separating important States from unimportant ones. Among the 86 States regarded as possessing full internal powers, 42 have revenues less than five lakhs of rupees, 39 have population less than one lakh souls, 40 have an area less than one thousand square

miles and 8 are without salutes. Among the States on the other hand which have not got full internal powers, there are 13 which have revenues over five lakhs, 33 which have a population over one lakh and 29 which have an area more than one thousand square miles. I have quoted these figures with a view to show that the desired classification will by no means secure the purpose for which the classification is intended in the Report to be made, *viz.* :—to stop the “practice appropriate in the case of the lesser Chiefs being inadvertently applied to greater ones.” Personally I am not in favour of any such new division being made, but if it is to come about, I think it should be made after taking into consideration the status, the salutes, the revenue, the population, the traditions and history, and the internal powers of the States. No single distinguishing feature will give the desired classification. A smaller number of about 40 or 50 States might be classed into a special group, and the Rulers may be called “Ruling Indian Princes”, which term is not yet the property of all the Indian Rulers. This expression would also be free from all objections which are raised against the use of the word “Sovereign”. The expression Ruling Princes at present does, as a matter of fact, apply to bigger Princes only. I propose that all the States should be included in the Council of Princes on the principle of German Bundesrath.

The Chief of Sangli:—I beg to support the motion put forward by His Highness the Maharaja of Kolhapur. We are at the present moment on the crest of a great uplifting movement which has influenced the whole of India. At such a time when the greatest nations of the world have borne most heroic sacrifices to vindicate the principle of justice and humanity towards weaker nations, ignoring all other considerations in order that the weaker might not only not suffer at the hands of the more powerful but that they might live and prosper at such a time as this, I beg to submit Your Highnesses will not allow the lesser States to be left out of account. It is your duty, therefore, to take them in hand with Your Highnesses and lead them on the path of progress and advancement, making available to them all the opportunities and advantages which Government have been graciously pleased to offer to Your Highnesses. If Government have been pleased to treat Your Highnesses as colleagues and co-workers in the Government of India, it would not be unreasonable if the smaller States, who are only Your Highnesses' junior partners, look up to you for support and expect Your Highnesses to hold out to them your hand of fellowship. Looking at the question from the Imperial point of view, I beg to submit that it would be most appropriate to include in Council as large a number of Indian States as it is practicable to do at the present time. A larger body of Indian Princes, in my humble opinion, will be better able to discharge its Imperial duties and obligations than a smaller body of States. If it be considered impracticable to admit most of the Ruling Princes and Chiefs on account of their number being too large, I would respectfully suggest that the smaller States may be distributed into territorial groups, each group being allowed to elect one of themselves to represent them on the Council. With these remarks I heartily support the proposition of His Highness the Maharaja of Kolhapur.

The Nawab of Loharu:—Your Excellency,—I respectfully beg to say that in my reply to the circular letter of the Government I have already agreed to the drawing of a line separating the Rulers of certain States from the others. In my humble opinion the said line may be drawn on the following two principles:—

Firstly, Ruling Princes who had received the honour of an audience of His Imperial Majesty the King-Emperor at the Delhi Durbar should be included.

Secondly, Ruling Princes who have been mentioned in certain official records as enjoying sovereign powers over their subjects.

In my own case the mere restriction of asking for the confirmation of death sentences has unfortunately been imposed against the wording of the *sanad*, for sake of uniformity with other States in the province.

His Highness the Maharaja of Dewas (Junior Branch):—Your Excellency,—With a view to avoid misunderstanding and to secure clearness I beg to premise that I consider myself to be a Treaty Ruler and that all that I say and have been saying is based on that consideration.

However galling to our sentiments may be the attempt to draw any distinctions among the great body of Rulers facts are stubborn and we cannot ignore or be blind to them. Rulers with treaties or engagements as the connecting link between the British Government and themselves stand out as a class of their own inasmuch as they enjoy each of them, by the very nature of their status, powers of rule only short of the limitations they have imposed on themselves in their said treaties or engagements; while the rest of the body of Rulers who have not entered into relations with the British Government on the basis of a treaty or engagement cannot as long as matters so stand enjoy the powers or the status of the former class. I beg to be understood as being no apologist for any accentuation or perpetuation of differences amongst our ancient and historic Order. This is how the matter stands at present. But it is always open to the British Government to clothe the latter with all the attributes pertaining to the former body. All I am concerned to point out is that the above distinction is not wantonly created or twisted into being for satisfying any one's personal ambition or end but one that is thoroughly legitimate. A treaty or engagement, once it is concluded between any two powers, carries, during its existence, its jural results as a logical inseparable accident. There can be no altering or avoiding it unless it is revised by consent or force.

It is thus clear from the foregoing analysis of the situation that a line of distinction perforce has got to be drawn separating the class of Rulers with a treaty or engagement from those with no such treaty or engagement. I am further of opinion that no other distinctions based on either wealth, area, ancestry, title or salute will stand the test. It might be argued that no line of distinction need be drawn at all if the view is the improvement of future relations between the Crown and the States. But there is an inherent difficulty attending such a course. Those comprising the first group are self-governing while the latter are not. Hence the relations of the Crown with the latter cannot *ipso facto* be similar or on a par with those of the self-governing units. A hotchpotch therefore is bound to lead to difficulties and awkward results.

His Highness the Maharaja of Alwar:—Your Excellency,—The question that is now before us for consideration and which is also directly connected with the establishment of the Chamber of Princes is one of considerable importance. I admit at the very commencement that this is a subject that is not without difficulty and is likely to cause some anxiety in the minds of some of the Princes and Chiefs. That this is a fact is evidenced by some of the speeches that have been delivered already. When our Committee began their deliberations at Bikaner this question exercised our minds no less at the time and it was only after careful deliberation of the subject that we decided on giving the proposals the final form that we have done. His Highness the Maharaja of Kolhapur has just mentioned that he would like the States and the Estates and the Chiefships to be grouped on the Bundesrath system. I hope His Highness does not think that we should inaugurate our Chamber on the lines of the Bundesrath and still less that we should follow it to its tragic end. (Laughter.) The Chief of Sangli while speaking on behalf of these Chiefships, has said we should regard them as colleagues and partners. This question was taken up and very carefully considered in our Committee and has been explained at length in the proceedings which have been forwarded to Your Highnesses, wherein all the *pros* and *cons* have been explained in detail. I do not know whether the Chief of Sangli intends that in this group we should also consider as our colleagues and partners the so-called Chiefs, the largest number of whom are in Central India and in the Chief of Sangli's own Presidency, who Bhumias and who are even described as alluvial proprietors of small holdings. Their holdings are certainly very small too for in many cases they

cannot boast of more than one square mile of territory. His Highness spoke of 650 States and this includes 106 Chiefs who possess no land whatever and are enjoying cash grants only. That Your Excellency was fully aware of these difficulties is clearly evident from the fact that you have discussed this point at length in your own Report when you say—

“Some Rulers are perturbed by a feeling that the measure of sovereignty and independence guaranteed to them by the British Government has not been accorded in full, and they are apprehensive lest in process of time their individual rights and privileges may be whittled away. We ascribe this feeling to two causes. In the first place, the expression ‘Native States’ is applied now and has been applied during the past century to a collection of about 700 rulerships which exhibit widely different characteristics, which range from States with full autonomy over their internal affairs to States in which Government exercises through its agents large powers of internal control and even down to the owners of a few acres of land.”

To amplify this point it would not be out of place to make a slight diversion into ancient history. A brief and flying glimpse at the past shows that the East India Company in its anxiety to settle the country as quickly as possible in order to enable it to start on the benevolent enterprise of building up its newly acquired possessions in peace, did not make any systematic distinctions between the position of the different kinds of States as they existed at the time. Uniformity of policy, principle or action was singularly absent from the documents framed during these different periods. The Company's Directors in England had ordered their officers in India to settle the country as best they could at the earliest opportunity, and because British courts of law were excluded from exercising jurisdiction in most of these territories, the States were jumbled together under the category of Indian States. Subsequent usage has also failed to mark any bold and clear dividing line between the many varieties of States principally due to the fact that the subject was somewhat delicate and complicated to work into any system without raising questions of animated controversy.

An attempt to make distinctions can be detected in the classification of salutes. Rulers of States enjoying a salute of 11 guns or over are entitled to the designation of ‘His Highness.’ As the salute list exists at present, however, there are discrepancies. There are a few 11 gun salute Princes whose States do not possess full powers, while there are some 9 gun salute Princes and some with no salutes at all who enjoy full sovereign rights of internal jurisdiction. There are States which enjoy by right of treaty powers of internal independence with full powers to make their own laws. On the other hand, many of the so-called Native States cannot boast of any such privilege. As a matter of fact some of these estates according to treaties are even under the orders of Thanedars,—such as the 34 mediatized petty Chiefships of the Bombay Presidency, while there are small Thikanas in the Rewa Kantha Agency in Kathi-awar and several in Central India and other Agencies where all offences are tried by the Agency courts.

It is obvious that in many cases of importance our interests also are not identical with those of the smaller estates; and it is no secret that I am divulging when I say that the absence of a clear and distinct line of demarcation separating the Sovereign States from the so-called States has, without materially profiting the latter, been the source not infrequently of considerable and continued detriment to the position of the Sovereign States as Your Excellency and the Secretary of State have admitted.

Apart from the individual interest of the States concerned, it is equally necessary in my opinion in the interests of the Chamber of Princes—which we are now designing to create—that this dividing line should be distinctly drawn by a slight adjustment, firstly, by raising the salutes to 11 guns of Princes who enjoy full sovereign powers and, secondly, by removing the very nominal restrictions that exist on the exercise of full sovereign powers by Princes enjoying salutes of 11 guns and over. If the Imperial Government

treated this question in a generous spirit, this anomaly could be permanently removed—thus clearing the air of considerable misunderstanding and misapprehension on this most important subject.

I realise the force of the argument that if some of these petty Chiefships are excluded from our Chamber, how are they to have their voice heard in matters of common concern to them, since they will not have access to the Chamber of Princes nor would they have a voice in the proposed schemes regarding the rights of people in British India. This is a question which time must solve for them in due course and these very Chiefships who are directly concerned in their affairs will probably at a later date afford us an opportunity of considering the question from their standpoint. For the present at any rate—and so far as I can see for the future also—it seems pretty obvious that while the drawing of this line of distinction between the Sovereign States and these petty Chiefships will not affect the latter materially, its absence will most decidedly affect the position of the Sovereign States as it has done in the past:

I am and have always been therefore unhesitatingly of the opinion that it is extremely necessary that the clear dividing line between the Sovereign Princes and the petty Chiefships should be distinctly drawn and I would urge for the favourable consideration of Your Excellency that the question as to where this dividing line is to be drawn be settled early. Your Excellency has been good enough to make it clear in your opening speech that you are prepared to consider the question favourably.

The whole question requires careful examination and I would suggest for the consideration of Your Excellency and Your Highnesses that, after a general discussion has taken place on the subject, a Select Committee should be appointed to thrash out this all-important question so as to be in a position to recommend a sound basis for a final settlement.

Her Highness the Begüm of Bhopal:—Your Excellency,—I agree with the opinion expressed in the Joint Report by His Excellency and the Secretary of State for India that, with a view to improve future relations between the Crown and the States, a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others. This classification will have to be effected with great deliberation and care. There are Ruling Chiefs enjoying hereditary salutes of 11 guns and over who do not exercise full civil and criminal jurisdiction over their States, whereas there are Princes enjoying salutes of 9 guns, and even less, who exercise full powers of internal administration. In such classification not only the enjoyment of full powers, but the past history, the size and the wealth of the State, the number of salute guns and the services rendered by the State in fulfilling their obligations to the Empire should also be taken into consideration.

His Highness the Maharaja of Kapurthala:—The distinguished authors of the Report start with the assertion that “some Rulers are perturbed by a feeling that the measure of sovereignty and independence guaranteed to them by the British Government has not been accorded in full, and they are apprehensive lest, in process of time, their individual rights and privileges may be whittled away.” They attribute this feeling to two causes. In the first place, they consider that the existing indiscriminate application of the term ‘Native States’ to about seven hundred Rulerships, ranging from vast autonomous dominions to ‘the owners of a few acres of land’ exercising limited authority, levels down distinctions of status and is apt to stereotype uniformity of political treatment. With a view to remedy this situation and to safeguard the superior prestige of important States, the illustrious authors recommend that a clear line of demarcation should be drawn grouping the Rulers who enjoy full internal independence separately from the others. The proposal doubtless marks a move in the right direction, but it seems to me that the desired classification is not unattended with serious difficulties. It would

not be safe wholly to rely on the criterion of unrestricted internal autonomy. In judging the importance of an Indian State, more than one factor should, I submit, be taken into account: area, population, income, powers, past history, internal development, and services to the Empire.

For example, it is quite conceivable that the Ruler of a State which maintains Imperial Service Troops and has rendered conspicuous services during the great war or on previous Imperial emergencies, may not be in possession of the powers of life and death over his subjects or exercises his authority subject to certain restrictions which continue merely as a relic of the past. It would not perhaps be difficult to quote concrete cases. Would it be fair or expedient in these or similar circumstances to brand such a State with a mark of inferiority by the application of the 'full-power' test?

Let us invert the case. Imagine a small State whose Ruler possesses, by some chance or other, full internal jurisdiction but which is militarily of no consequence to the Empire or has never been of any material assistance in Imperial crises. What would be the moral effect of elevating that Ruler to the 'important' category, merely on the ground of his satisfying the test of internal autonomy? The point is so perspicuous that to labour it further would be futile. While, therefore, I am strongly in favour of the proposal to draw a distinguishing line between the major and minor States, I would urge that a too rigid and exclusive classification should be deprecated.

My suggestions are—

The Indian Rulerships should be divided into two classes—

- (i) States,
- (ii) Chiefships.

The Rulers of States should invariably be designated as Ruling Princes while the Ruler of Chiefships as Ruling Chiefs. The category to be known as States should include:—

- (i) All States whose Rulers enjoy hereditary salutes of 11 guns and over;
- (ii) All other States enjoying a full measure of internal autonomy and maintaining Imperial Service Troops.

All Rulerships not included in the above category should be classed as Chiefships.

In suggesting this demarcation I have assumed that all Rulers entitled to hereditary salutes of 11 guns and over have a sufficiently important status to claim a right to belong to the superior class. Moreover, States invested with full powers of internal administration and enjoying the added prestige that participation in Imperial defence and the discharge of Imperial obligations by maintaining Imperial Service Troops confer, would also be embraced in this category.

I do not pretend that the scheme outlined above is free from imperfections or is not open to objections, but I venture to hope it may be of some help in arriving at a final conclusion.

His Highness the Nawab of Maler Kotla:—Your Excellency, in paragraph 302 of the Report, some most important points are raised and it is necessary to offer my observations. From the last sentence of this paragraph it would appear that the distinguished authors of the Report have excluded what are called "lesser Chiefs" from the benefit of the proposals contained in paragraphs 306 to 311, relating to the Council of Princes, commissions of inquiry, etc., etc. While it is certain that His Imperial Majesty's Government are equally anxious to preserve the rights and privileges of all States, great and small, I fear the suggestion as to restricting the scope of the Reform proposals will cause great misgivings and misapprehension in the minds of a vast majority of Rulers. It would, of course, be unreasonable to expect that distinctions of status and grade should not exist or should not be maintained, but with due regard to such distinctions I venture to think it is quite practicable that the entire system of Indian States may in varying degrees participate

in most of the measures of the proposed Reforms. Indeed, considering that the proposals are intended to improve and assist future relations between the Crown and the States, it is only just that the scope of the proposals should be liberal and inclusive, rather than narrow and exclusive. It is alleged that the proposed classification is intended to avoid chances of inadvertent and indiscriminate application of a practice to greater Rulers which may be appropriate to lesser Chiefs only, but I do not think that any harm has resulted from grouping smaller States with bigger ones and the fears are more imaginary than real. The real causes of any uncertainty and uneasiness, such as is referred to in paragraph 302 of the Report, are indeed far deeper, and the surest way to reassure all Rulers that their rights and privileges would not be whittled away would be to devise means to ensure that due regard is paid to such rights and measures of sovereignty as are enjoyed by the smallest of such Rulers. If that is done, the greater Rulers would have all the greater reason for feeling sure of their status and privileges.

I therefore earnestly hope that the Government and the Princes alike will give their best consideration to this aspect of the question and that nothing will be done which may dwindle the strength of the Order by alienating the sympathies of smaller States from the more important ones or which may tend to weaken the splendid fabric which British statesmanship itself has reared up with so much care and foresight during the last century. In that magnificent edifice known as the Indian Empire, all States like so many pillars, large and small, have their own use and place and the smallest of them cannot be disregarded without injuriously affecting the entire superstructure.

As regards the proposed classification I would also remark that, considering the conservatism and past traditions of our Order, it is clear to me that any innovation in this respect will hardly be acceptable. Indeed any arbitrary demarcation may cause unnecessary complications, jealousies and difficulties. The Order is already classified into Princes and Chiefs and in case it may be absolutely necessary, the existing distinction may be emphasized and brought out now in greater prominence and relief than before so as to avoid confusion of terminology and any possible confusion of practice. I think the best solution of the difficulty will be that those who are styled as Their Highnesses may be consistently and invariably described as Princes and their States as Principalities or Princedoms, while the rest should be described as Chiefs and their States as Chiefships. In the light of the above distinction the table of salutes may also be revised, if necessary, so as to include in the category of Princes certain important Chiefs.

I would like to add that any classification based on considerations of full measure of sovereignty is bound to open a wide field for controversy, and many difficult and delicate questions of jurisprudence and international law which may not admit of a satisfactory settlement are sure to crop up and might be a constant source of anxiety to the Government and the Princes. Some very important States do not pass capital sentences without the sanction of the Paramount Power, but surely this should not mean that such States have not full powers of internal administration. Any interference or intervention on the part of the Paramount Power in excess of that essential for maintenance of its position as such power is more or less a question of particular circumstances and can be easily accounted for as deriving its origin and sanction from some express or implied consent or delegation of authority from the Sovereign Power as represented in the person of the Ruler of the State and so does not detract from his position as a Sovereign. There is, therefore, really no need for getting involved in the meshes of such intricate questions as the juristic nature and essential characteristics and attributes of Sovereignty. It is obvious that if a State is not a part of British India and its laws and regulations are not *per se* applicable to such State, and if His Majesty the King-Emperor is the Suzerain Power of the State, then it will be only reasonable to recognise that the Ruler of the State is the only Sovereign authority in the State.

It should also be borne in mind that area or revenue can hardly be a reliable index of the importance of a State and any classification which ignores local

conditions, past history and traditions or future possibilities of development or which creates fresh and invidious distinctions will do more harm than good and will retard progress.

After giving the matter my most earnest consideration, I am of opinion that in case, as explained by His Highness the Maharaja of Alwar, full powers of internal administration including sentence of death are accepted as the bases of the fresh line of demarcation which it is proposed to draw, it should be on the distinct understanding that full powers will be automatically and *ipso facto* conferred on such of the Princes as enjoy a permanent salute of 11 guns or upwards, but who for some slight technical defect or restriction are not at present considered as having such powers, and that this will be done before the Reforms are given effect to. Rulers of other important States having a salute of 9 guns or no salute should also be given such powers and their salutes should be raised to 11 guns.

His Highness the Maharao Raja of Bundi:—The recommendation that Rulers who enjoy full powers of internal administration should be separated from the others is no doubt a good proposal for safeguarding the interests of the States exercising full powers. Such classification should be effected after a careful enquiry of the terms of the treaty, established practice and their past history.

His Highness the Maharaja of Dewas (Senior Branch):—Your Excellency, I think considering the controversial nature of the question it would be better in the interest of business and on account of the limited time before us that a Select Committee of Princes representing the four different main groups should be appointed to thrash out this question first and put it before the Conference. After that if any member wishes to make any remarks they will be useful.

His Highness the Maharaja of Patiala:—In my opinion it is extremely necessary and highly desirable to draw the line of demarcation proposed in the Reforms Report. It is only fair to the bigger and the more important Rulers enjoying full powers of internal administration, and possessing the power of making their own laws to assure to them a position commensurate with their status, their importance and the magnitude of the interests they represent. Your Excellency has very sympathetically referred to the Rulers on the border line, and since Your Excellency has said that you would be prepared to consider the desirability of raising the status of such Rulers, I think the situation would be considerably improved and would go a long way to dispel any misgivings that might have troubled the minds of some of the Chiefs.

In view, however, of the concluding remark in paragraph 302 of the Report that the proposals contained in paragraphs 306 to 311 would apply only to Rulers of the first class, I consider it necessary to urge that in order to substantiate our claim for representing one-third of India, some means should be devised for enabling the Chiefs of the second category to participate in the benefits of the proposals made by Your Excellency and the Hon'ble Mr. Montagu.

His Highness the Maharaja of Navanagar:—Your Excellency, there appears to be a good deal of misunderstanding in the minds of some of those who advocated the cause of the lesser Chiefs, and this, I think, is due to the fact that they have not studied the papers with that diligence and that care that we members of the Committee had hoped they would do. I do not mean to say that Their Highnesses have raised the question here in a light hearted manner, but I think that if they had followed in detail the proceedings of the Committee that held its sittings at Bikaner, at Alwar and at Patiala, this misunderstanding would perhaps never have arisen.

As far as the proposition of His Highness the Maharaja of Kolhapur and the Chief of Sangli is concerned, I think if a Committee which I hope will

be appointed, is appointed, where their views could be heard, Government would pay due attention. But I think as far as this Chamber is concerned, the recommendations in the Report, *viz.*, to draw a hard and fast line, should be strictly adhered to.

His Highness the Maharaja of Gwalior :—Your Excellency, in my humble opinion, if something is done on the lines I suggest it will answer the purpose. My reply to No. 1 is this, that the classification suggested should be made for purposes of matters dealt with in sub-items 3, 5, 6, 7 and 8 of agenda I and paragraphs 306, 308, 309, 310 and 311 of the Report. For other matters, the status of each State enjoying full powers will be dependent upon its individual history, I have just heard, Sir, some remarks about enhancing the number of guns to enable those people to get into this Chamber. This is only a mechanical idea in my humble opinion to get more people and keep up their friendship which is, I think, not proper.

His Excellency the Viceroy :—I do not know whether any other of Your Highnesses would wish to address the Conference; if not, we must come to a vote on this question. The first sub-item of agenda I is—

“That with a view to improve future relations between the Crown and the States, a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others.”

It has been moved as an amendment to that by His Highness the Maharaja of Dewas (Senior Branch) that a Committee should be appointed to consider this question. We, of course, will take the amendment first. Those who are in favour of referring this question to a Committee will signify by holding up their hands.

(His Excellency, after counting the hands, said):—It is practically unanimous. So the first item on the agenda will be referred to a Committee. Will Your Highnesses say what that Committee should be composed of?

His Excellency the Viceroy :—I think it would be well if Your Highnesses were to suggest the names of the Committee.

His Highness the Maharaja of Dewas (Senior Branch) :—I think from Rajputana, His Highness the Maharaja of Alwar and His Highness the Maharaj Rana of Dholpur. From Bombay, His Highness the Jam Sahib and His Highness the Maharaja of Kolhapur, as representing two separate blocks. From the Punjab, Their Highnesses the Maharajas of Patiala and Kapurthala and for my own block, His Highness the Maharaja of Gwalior.

His Excellency the Viceroy :—I will ask the Political Secretary to read the names that have been suggested and then it will be open to Your Highnesses to add or suggest any other names in their place.

The Hon'ble Sir John Wood :—The suggestion is that a Committee should be formed as follows :—

His Highness the Maharaja of Alwar, and His Highness the Maharaj Rana of Dholpur from Rajputana; and

Their Highnesses the Maharajas of Gwalior and Dewas (Senior) from Central India.

Their Highnesses the Maharajas of Kolhapur and Navanagar from Bombay; and from the Punjab Their Highnesses the Maharajas of Kapurthala and Patiala, with 3 Political Officers and the Political Secretary.

His Highness the Maharaja of Kolhapur:—I would suggest that the Chief of Sangli should be taken in. He will represent the Southern Mahratta territories.

His Excellency the Viceroy:—Do you propose that in place of yourself?

His Highness the Maharaja of Kolhapur:—Yes, I don't mind if my name goes out, but I would prefer to have the Chief of Sangli.

His Highness the Maharaja of Dewas (Senior Branch):—I have no objection if the name of the Chief of Sangli is put in.

His Excellency the Viceroy:—Yes, that will be the simplest way if the Chief of Sangli is added.

His Highness the Maharaja of Navanagar:—I should like to suggest that two members of the conservative element might be introduced here, namely, His Highness the Maharaja of Jaipur and His Highness the Maharao of Cutch, who on these matters have very decided opinions and represent a body of Princes whose opinions are of very great value.

His Highness the Maharaja of Patiala:—I second it.

His Highness the Maharaja of Dewas (Senior Branch):—Among the names that have been suggested there is no Mahammedan Prince, so may I suggest the name of Her Highness the Begum Sahiba of Bhopal on the Committee?

His Highness the Maharaja of Kapurthala:—Your Excellency, may I suggest that one of the Princes who are directly interested in the matter may also be added? I should also say that as the number is already too large I should withdraw in favour of His Highness the Nawab Sahib of Maler Kotla.

The Hon'ble Sir John Wood:—I understand that the proposed Committee is as follows:—

Rajputana.—His Highness the Maharaja of Jaipur.

His Highness the Maharaja of Alwar.

His Highness the Maharaj Rana of Dholpur.

Central India.—Her Highness the Begum of Bhopal.

His Highness the Maharaja Scindia of Gwalior.

His Highness the Maharaja of Dewas (Senior Branch).

Bombay.—His Highness the Maharaja of Kolhapur.

His Highness the Maharao of Cutch.

His Highness the Maharaja of Navanagar.

The Chief of Sangli.

Punjab.—His Highness the Maharaja of Patiala.

His Highness the Nawab of Maler Kotla.

His Highness the Maharaja of Alwar:—May I request a ruling whether we can invite members outside the present Conference also?

His Excellency the Viceroy :—I would suggest, Your Highnesses, that in such a case you might ask them to come and give evidence before the Committee and express their views. Otherwise, we shall be in danger of converting this Committee into the Conference. I may take it, then, that Your Highnesses agree to that Committee as constituted for the purpose of discussing item (1) of Agendum No. I.

Agendum I.—Item (2).

“That, with the consent of the Rulers of States, their relations with the Government of India should be examined, not necessarily with a view to any change of policy, but in order to simplify, standardise and codify existing practice for the future.”

His Highness the Maharaja of Patiala :—While supporting the proposal, I think I might mention that some misapprehensions existed with regard to this item on the Agenda, but these have been removed by Your Excellency's remarks in this morning's opening speech. If I have understood the recommendation in the Report rightly all that seems to be intended in this connection is that the heterogeneous case law which has grown up around the body of treaties should be re-examined in the light of the true spirit of the latter. As we are assured that no constitutional changes which may take place will impair our dignities and privileges secured to us by treaties, *sanads* and engagements or by established practice, there is apparently no reason to apprehend that the suggested simplification, standardisation and codification is likely to lead to any infringement of such rights. The intention seems to me to be more to strengthen the treaty rights and to make them clearer than to weaken or obscure them.

Besides this the Report lays down, and to this also Your Excellency referred in the morning, that no such simplification, standardisation or codification will be undertaken except with the consent of the parties. If, therefore, there are any Princes to whom the process is repugnant, there is positively nothing to compel them to undertake it.

In my opinion any simplification, standardisation or codification of such treaties or engagements should be undertaken by provincial committees on which the Ruling Princes and the Government of India should be represented. These committees will be more competent to examine every treaty in its original spirit and I am sure their advice will be highly valuable in coming to a satisfactory decision.

His Highness the Maharaja of Kapurthala :—Your Excellency, at our informal meeting the other day most of the Princes present universally agreed that a committee or conference should go into the whole question carefully with the representatives of the Government of India. The result of this joint consideration and discussion would be presented to the Conference in due course when we should be in a better position to express our views as regards the question of simplification, standardisation and codification of the existing practice.

His Highness the Maharao Raja of Bundi :—The question that with the consent of the Rulers of States the relations with the Government of India should be examined not necessarily with a view to any change of policy, but in order to simplify, standardise and codify existing practice for the future, is of a very delicate nature. It is an established axiom that we the absolute Rulers of the States have direct connection with the Crown through the Viceroy, who is the representative of His Most Gracious Majesty the King-Emperor in India, under treaty obligations which are inviolable. I have a firm belief in the solemn assurances from the Crown and their representatives and Ministers that the terms of the treaty will be scrupulously observed, and on the memorable words of Her Most Gracious Majesty the late Queen-Emress Victoria which are :—“We shall respect the rights, dignity and honour of Native Princes as Our Own.”

On this ground the Indian States, who have the honour of being in alliance with His Majesty's Government, have no apprehension of any thing which may prove prejudicial to the solemn treaties, ancient rights, *izzat*, prerogatives, dignity and established practice of the States. It is urged that the terms of these solemn documents should be read in the spirit of the policy when they were composed and not in the light thrown on them subsequently, as by such a change in the view the sanctity of these sacred documents is sure to be endangered and this will create an atmosphere of uncertainty among Indian States as to their old relations with the British Government which should be handled with great scrutiny and delicacy. Indeed the examination is desirable so far as it is conducted to rectify undesirable and derogatory practices which may have crept in political dealings with the States.

His Highness the Maharaja of Alwar:—This is a question which is perhaps the most important one on the Agenda of the present Conference for it is the foundation on which has been built in the past and will be built in the future, the structure that will define and has so far defined our treaty relations with the Imperial Crown. Your Excellency and Your Highnesses, in dealing with this all-important subject I feel somewhat like Bacon's fly which sat upon "the axle tree of the chariot wheel and said Lo! what a dust do I raise." And some dust has been raised due perhaps to the fact that while the other subjects have been discussed by our Committee and by other Princes and have been amplified in detail with objects and reasons, this particular question which has been dealt with at some length in the Report, in the Agenda has been put down in considerable brevity.

Your Excellency has now in one of the most momentous speeches that this Conference has ever heard amplified the paragraph which should remove much misapprehension. I admit without any ceremony that the question at its inception appears to bristle with thorny problems. I understand that some doubts have arisen in the minds of certain Princes on this question which has been considered to be of such grave importance that at the time of its discussion, it was perhaps considered wiser to be absent than to be present. The perusal of a few of the memoranda that some of my kind friends have been good enough to send me, readily discloses the fact that there is really much misapprehension and misunderstanding in the minds of our brother Princes concerned. To discuss abstract principles is at all times very delicate and complicated but to discuss the relations of the Sovereign States *vis-a-vis* the Imperial Crown and the Imperial Government, I can well imagine, is a subject which can raise much anxiety in the minds of the Rulers of Indian States. But surely the difficulties of a problem should not discourage us from facing the obstacles, if with bold and generous statesmanship the result is to be what we all want it to be, *i.e.*, the removal of misunderstandings and the breathing of a fresher and clearer atmosphere all round.

I have no doubt that many misunderstandings in the past which have even led to unhappy results have been due to misconception of the relative positions, and the difficulty has been further accentuated by the fact that the treaties framed in ancient days—some over a hundred years ago—in the first place differ considerably in detail from one another, and secondly because case law and precedents of different States have guided the Imperial Government in assuming certain rights and prerogatives in its relations with the Indian States. None of the treaties lay down all the conditions that are considered necessary for the guidance of affairs in States, nor do they clearly define the powers and functions of the Imperial Government which represents the Crown as regards its prerogatives and rights.

In considering the question of treaty relations, we are automatically forced to examine the position of the Indian States. While none of them according to treaties or otherwise are independent in external affairs, several of the treaties lay down very clearly that "a Prince shall be absolute Ruler of his State" or that "the Imperial Government shall not interfere with the territories of the Maharaja," or that "the Government shall not interfere in the

internal administration of the State." Since these treaties were framed, the Crown by the Royal Proclamation of 1858 took over the administration of India and with it the responsibility of adhering to treaties and engagements entered into by the East India Company with all the Indian States, so that strictly speaking in accordance with past traditions we enjoy the happy position of being in direct relationship with the Crown; and thus in matters of administration and government, the Imperial Government and the Viceroy as the representative of the Crown interpret in practice the conditions originally laid down.

The position of the States in relation to the Crown is perfectly clear. The position of the Crown as by far the stronger and the greater partner of the two in the alliances the responsibility of which it took over from the East India Company, is beyond all dispute and is unchallenged. The question of equality can therefore be summarily dispensed with on the ground that no one can assert under any circumstances that the position of any State or its Ruler in India who has parted with the principal sovereign rights in external affairs is on a footing of equality with the Crown. But if the States are not on a footing of equality with the Imperial Crown, facts also speak for themselves and tell us that their position in the past on the other hand has also not been that of "subjection" or "subordination," a condition which used to exist in the old feudal days in different lands. The condition of dependence in external affairs and of sovereign rights in internal matters make the correct definition of the relative position, which would be acceptable on all sides, a very delicate affair. But it is absolutely necessary to come to a mutual understanding regarding the correct definition because without that we could not decide or discuss the abstract principles which shall guide and rule our treaty relations.

Now the whole subject in hand is so vast and full of such delicacy and complications that it would indeed be extremely difficult and perhaps unsuitable to give expression to all the ideas on this subject in a public Conference with a view to removing misunderstandings that may exist on either side. I realise the importance of such a discussion but I suggest that it may be in a different form. Anything that leads to mutual and better understanding is always worthy of the task, however difficult the obstacles may be,—for obstacles indeed, I always maintain, are only made for human beings to surmount with a strong determination and a stout heart based on mutual co-operation and good will. That the problem is possible of solution, I personally do not doubt although the process cannot be worked out in the brief space of one or even several days. To simplify, standardise and codify existing practice for the future in order that the treaties may be revised in the case of Princes who may so desire—as Your Excellency has explained—will undoubtedly lead to happy results. But I foresee that to achieve this end there must be many intimate and open-hearted discussions coupled with a frank and candid expression of views on the subject without any reporters taking down notes of the proceedings, so that either side can express themselves freely without being misunderstood.

With this object in view, after general discussion has taken place on this subject, I would propose for the consideration of the Conference that it would not be sufficient to appoint a Select Committee to go into this question for one evening or for the few evenings that we have at our disposal during the present session of the Conference and that we could not come to any satisfactory conclusions on this subject even during the short space of one week. Under the circumstances, I would suggest that a permanent committee of Princes may be elected by the Conference for one year to have periodical sittings with the officers of the Imperial Government from the Political and Legislative Departments in order that the subject may be thrashed out in all its bearings and finally submitted before the next year's Conference when it could again be generally discussed. It would then be time for any particular State to take the conclusions of the Committee as the basis, if they like, on which to approach the Imperial Government individually in case they desired to have their ancient treaties revised.

His Highness the Maharaja of Dewas (Junior Branch) :—A contact of a century in some cases and of a century and more in others with the *de facto* Government in India through its agents has given birth to a situation between us of great complexity and embarrassment for which neither party is directly responsible, and it is time that the situation is cleared up and that we one and all see ourselves in our true proportions. My own view is that no usage, precedent or established practice can adversely affect the rights circumscribed by the solemn documents known as treaties or engagements. I have nothing to say against any practice, usage or precedent which leaves our mutual rights and obligations unimpaired. Had it been the case that one and all of our Order had treaties as the basis of their connection with the Paramount Power, there would never have arisen any confusion and embarrassment. This was unavoidably due to the fact that the Central Government in India had to deal with a body of Rulers in which the self-governing units were outnumbered by the non-self-governing ones.

It is time, therefore, that our true relations with the Government of India are correctly appreciated and future procedure is laid down. I propose for this purpose a standing committee which should consist of representatives not lower in rank than that of a minister or member of council from all the self-governing units, one each and a high representative of the Government in the Political Department. Besides this standing committee there should be appointed sub-committees for the various groups or divisions at present obtaining. These sub-committees will consist of non-self-governing Rulers or their representatives at their option comprised in the area or division. The Political Officer or the Agent to the Governor-General as the case may be will also sit in the committee. These sub-committees will formulate their own recommendations and send them direct to the Central Government. While the standing committee after formulating their own recommendations, will send copies of the same to each of the self-governing Rulers for further consideration, and I expect that in the next year's council of ours we should arrive at results satisfactory to all.

His Highness the Maharaja of Kolhapur :—The question involved here is so vast and, to some extent, so obscure, that no person who has no access to the ordinary and confidential records of the Government of India, can be supposed to pronounce a correct opinion on it. I, therefore, suggest that a committee consisting of some Princes, ministers and government officials, may be appointed to consider this question.

No States bound together by independent international relations, or by subordinate alliances, or by a federal system of Government can carry on their intercourse without developing some sort of usages and practices. Usages if made applicable, or supposed to be binding without clear and perfect understanding, would lead to serious consequences to the weaker party, especially to the non-treaty States. Indian text writers on Native States, among whom Sir William Lee-Warner is regarded as an authority, have made certain generalisations which are not only of doubtful acceptance, but are such as must make all States uneasy. They have no official value, but the Native States have not yet made any attempt to state what they think about Sir William Lee-Warner's view.

Even the doctrine the "treaties must be read as a whole" is dangerous in itself. Sir William himself says at page 38 of his book, "too much stress cannot be laid on this proposition." But the silent effect of his generalisation is being felt. The above doctrine is too widely expressed. Not only all the treaties with a particular State are to be read "as a whole," but the principles laid down in the treaties of one State are to be held applicable to another State. Thus the author says, that the student must look to "the treaties of Gwalior for a view of military obligations not only of the State, but of other Native Princes." This doctrine with the principle of "extensive application" of which the author makes full use all along, would launch practical politicians into dangerous absurdities, and the States would not know where they are.

To criticise all the doctrines of Sir William Lee-Warner is beyond the scope of this speech. It means the production of a separate treatise which, I strongly

urge, ought to be undertaken by the States. To leave him unopposed may, in the words of the author, amount to "a constructive argument of acceptance by silence."

The uncompromising remark of the author that, "no succession is valid until it is recognised by the British Government," has been greatly circumscribed by the memorandum of the Government of India, on the ceremonies connected with successions in the Native States, in which it has been distinctly recognised that, "where there is a natural heir in the direct line, he succeeds as a matter of course."

The absolute right of selection in cases of collateral successions which of late finds place in some treaties, is qualified by the above memorandum, which says that the "announcement of recognition and confirmation will be made by a representative of the British Government." In disputed and collateral successions, the rights of claimants are to be settled on their merits, which is altogether different from the right of selection.

The marginal heading "unlimited liability of State in case of war" implying the compulsion under which the States are placed, is unjustifiable and derogatory to the treaty rights of the States. I have no doubt that the States did, and would continue to do everything in their power to assist the British Government in war time. But they would resent if they are told that Sir William's doctrine is to be read as an article of their treaties. The British Government too have wisely and rightly not made use of any language implying compulsion.

The standardisation of railway, telegraph, postal, currency and irrigation policies needed for the mutual benefit of the States and the British Government is yet to be made. It is neither equitable nor common to all the States as supposed by Sir William.

So also the statements that several of the laws of the Legislative Council of the Government of India, such as the Extradition Act, are binding on the States by usage, is not only not correct, but is such as would do away with the unobstructed rights of the Native States to make their own laws.

The following remarks concern my own treaty :—

The position taken up by Government has been that "the conditions under which some of the treaties were executed have undergone material changes, and the literal fulfilment of particular obligations which they impose has become impracticable." This is a correct position with regard to several States. As an illustration and as a personal grievance, I mention the Agreement with the Kolhapur State, with an apology for stating my case fully.

The Maharajas of Kolhapur are the descendants of the younger branch of Shivaji, the founder of the Mahratta Power in India. After the death of Rajaram, the second son of Shivaji, his son was placed in power by Tarabai, the widow of Rajaram. Kolhapur was finally separated from Satara by the Partition Treaty of Satara, dated 26th April 1731, which was "drawn up between His Majesty Aba Sahib (Shahu Raja) and Sambhaji Raja." (Aitchison, Part II, page 216.) By that treaty, the then Mahratta Raj was divided into two parts, with a proviso "to receive the half of any conquest to be made between the river Tungbhadra and Rameshwar." The Kolhapur Raj ever afterwards continued to be independent of the Satara Raj, the Peshwa, and the Moghul Emperors of Delhi.

Since the fall of Satara Kolhapur has been the only ruling dynasty representing the line of Shivaji, and as such is esteemed everywhere and looked on with great pride and respect by the Mahrattas.

In 1838 H. H. Shivaji, then a minor, succeeded to the Kolhapur Raj. A Council of Regency was formed consisting of the mother of H. H. Shivaji, his aunt, Diwan sahib and some officials. After long quarrels Diwan sahib got the full control of affairs. The misrule was indescribable. The British Government interfered and tried to set matters right. Their efforts resulted in a general rebellion. After its suppression the administration was taken over by the British Government during the minority of the Raja, and until he should be fit

to be entrusted with the administration. Forts of every description were dismantled. The military force of the State was disbanded and a local corps entertained in its stead, and the Kolhapur State was required to pay the expenses of suppressing the rebellion, and the administration of the State was taken over by the British Government till 1862.

The preamble to the Agreement also makes the situation clear, which is as follows :—

“Whereas a desire has been expressed by His Highness the Raja of Kolhapur to assume the administration of the affairs of that State, His Excellency the Hon'ble the Governor of Bombay in Council has in consideration of the Raja having attained full age and having evinced loyalty towards the Government of Her Majesty the Queen, more particularly during the disturbances of 1857 and 1858, when the Raja's brother (Chimasahb) was an active conspirator, resolved to transfer to the Raja the administration of Kolhapur, with such reservations as are contained in an Agreement to be signed by the Raja.”

The Agreement further says :—

“In accordance with the spirit of the above observations, the following conditions of agreement are proposed for the acceptance of the Raja.”

All this will show that the Agreement was made under special circumstances and for the acceptance of “the Raja.” The personal nature of the Agreement can also be inferred from the absence of any words indicating that it binds “the heirs and successors” of Raja Shivaji. If, however, it is to be looked upon as a treaty binding by implication on the heirs of the Ruler who accepted it, there are considerations that militate against such an assumption.

The Agreement, as stated in the preamble, was entered into by the Governor of Bombay in Council when Statute 13 George III, Cap. LXIII, s. 9, required in 1772 that the consent and approbation of the Governor-General in Council should first be obtained, for negotiating or concluding any treaty of peace, or other treaty with Indian Princes and Powers. In June of 1793 by Statute 33 George III, Cap. III, s. 42, the Governor of any province was forbidden on pain of dismissal to conclude any treaty, unless in pursuance of express orders from London or Calcutta. In the face of the above and other express statutes, the legal validity of an agreement entered into by any Governor is doubtful, and tacit following cannot legalise what is *ab initio* not legal. Neither is the said Agreement ratified by the Governor-General to the present day, nor is the seal of the Governor-General.

Sir William Lee-Warner in his book *Native States in India*, at page 48, says that “an Indian treaty almost invariably runs in the name of the Governor-General and not of His Majesty, being headed by its title and object. The names of the contracting parties are recited, and the fact is plainly stated that the British officer executes on behalf of the Governor-General in Council.” None of these formalities have been observed with regard to the above Agreement.

When we pass on from the legal formalities and the legal aspect of the Agreement to its terms, we find that almost every article of the Agreement is practically and by usage incapable of being acted upon as it stands.

The second clause of the preamble says that “in the first instance at least the Chief Minister in Kolhapur, self-governed, should be one whose nomination by the Raja is fully approved by the British Government.” This was of course temporary and has no application at present.

Article I of the agreement lays down that “in all the matters of importance the Raja of Kolhapur agrees to follow the advice of the British Government, as conveyed by the Political Officer representing the Government at Kolhapur.” What are “the matters of importance” is nowhere defined and the expression is capable of varying with the *foot* of the interpreter and the adviser. If, unfortunately, there is some inclination to stand strictly to the

terms of the Agreement, the expression is sufficient to amount to a negation of all internal powers. The article might not have been always construed narrowly, but there is nothing to safeguard its being so construed. Such a condition mitigates the responsibility of the Rulers, and also makes them nervous to undertake any far-reaching reforms in the interests of the subjects of the State. Policies change with the men in authority, and a Ruler is afraid that he may be "advised" against a policy by an in-coming officer, which was approved by his predecessor, and perhaps even initiated at his suggestion.

The article was introduced at a time the country was not completely settled and when the consequences of misrule were very serious. This is no longer so, and as "a mark of their appreciation" of the administration Government have decided to withdraw to a large extent from the residuary jurisdiction in feudatory Jagirs. Several States have been managing their affairs without such a condition, which Sir W. Lee-Warner, at page 193, calls "indeed an exceptionally severe agreement." I remember Political Officers having said to me that the article is so wide that "a chaise and four" could be run through the Agreement at any time. I leave it to be imagined from this what I think about my position with this article in the Agreement. Lord Harris who installed me on the *gadi* told me that he would do all he could to cancel this Agreement. Lord Northcote said that it would be the policy of his Government "to rehabilitate Kolhapur to its former prestige." He had also told me that he would leave his remarks about the same. Lord Lamington had promised to do all he could, but he had to leave suddenly.

The other articles have also either been changed, or have become useless or inoperative.

In short (a) the change of circumstances mentioned in the preamble, (b) the approval of the Chief Minister by the British Government being a thing of the past, (c) the derogatory nature of the article to follow advice, which is a negation of the powers of internal autonomy, which is absent even in petty Chiefships, and which is unsuited and out of date to the policy towards Native States, (Art. 1), (d) the condition to retain a *Khasgi Karbhar*, and the mode of keeping *Khasgi* accounts showing how the dignity of the State has been crippled on account of peculiar environments at the time of the Agreement (Art. 2), (e) the relaxation of the rigour to carrying on correspondence with other States, (f) the provision for the liquidation of debts which no longer exist (Art. 4), (g) the temporary restrictions on alienation till the liquidation of debts (Art. 5), (h) the maintenance of the Kolhapur Infantry which is a blank cheque on the State purse, and requires some limit to be placed somewhere (Art. 6), (i) the payment of a sum for the detachment of Southern Mahratta Horse at Kolhapur which no longer exists (Art. 6), (j) the removal of restrictions on the powers of the Maharaja in regard to criminal matters (Art. 7), (k) the withdrawal of a large portion of power of the residuary jurisdiction, even partial existence of which is a constant source of all the abhorrent evils of dual Government, which is opposed to the original intention of the Agreement, causing fretting to the Darbar and the feudatory Jagirdars, a feeling which is altogether absent in the case of Sardars other than the feudatories who enjoy without disturbance all their original rights (Art. 8), (l) the temporary nature of the expenses of the Residency, the old necessity for the existence of which at Kolhapur has disappeared, as the policy of jealous watchfulness has given place to that of trust and union (Art. 9). All these changed conditions distinctly show that the agreement is ante-diluvian from the beginning to the end, is unsuited to the present conditions, is practically inoperative, is highly derogatory to the dignity of the State and that, therefore, it requires cancellation.

His Highness the Maharawal of Jaisalmer :—We regard treaties as solemn engagements, on which our relations are primarily based as things sacred. Any interpretation thereof, which may not be in conformity with the spirit in which they were originally framed, is viewed generally with apprehension and any deviation therefrom in practice, naturally gives birth to a sense of uneasiness as has been mentioned in the Report. I should think that an attempt at the elimination of such irregularities and discrepancies as may

have, in practice, here and there erept in, will be more in harmony with promises of strict adherence to treaties and solemn engagements, which have been, from time to time, given, and it will be, in all probability, productive of better and happier results than an attempt at standardisation and codification of the existing practice.

His Highness the Maharaja of Navanagar:—I am in general agreement with the views expressed by Their Highnesses of Alwar and Patiala, so I will not cover the same ground. I will draw attention to paragraphs 304 and 305 of the Report on Constitutional Reforms.

In this connection the remarks of Mr. Fraser are pertinent. They are as follows:—

“The development of the British system has rendered the provision of some of these treaties a little irksome and at times they block the completion of Government projects. New Departments arise and inaugurate new policies which pay very little regard to the prescriptive rights of Native States. A growing corollary of the theory of Imperial partnership seems to be that the Government is not necessarily bound by treaties which are considered obsolete ; or, on occasion, the Government will only admit the validity of treaties with great reluctance, after compelling Native States to fight in defence of treaty rights which ought to have been recognized without demur ; or to mention another situation which sometimes arises, the Government will shelter themselves behind the letter of a clause taking the possibly disputed opinion of their law officers as final, and will pay no regard to the manifest spirit in which the treaty was originally framed. In all such controversies the States fight at a severe disadvantage.”

The growth of such an attitude on the part of Government cannot be too strongly deprecated. All treaties with Native States, unless abrogated by mutual consent should be binding on both parties, and there should be no attempt by departmental officials to evade them by indirect methods. To ministers with a policy these treaties may seem of little moment. But to the States they are sacred. At any cost they should be upheld. The rounding off of a great scheme may seem urgently desirable, and the opposition of a State may seem frivolous, but a far greater principle is really at a stake and that is the honour of Great Britain. The one guiding policy when such issues arise is to keep faith with the Native States at any cost. Regarding the proposal to examine the relations of Rulers of States with the Government of India in order to simplify, standardise and codify existing practice for the future, it could only be done with the consent of the Rulers. The Princes, however, before they can convey their consent should be in a position definitely to know from Government their views as to what is meant by existing practice, to what subject the practice relates, and how it is meant to be simplified, standardised and codified. Then they may be enabled to decide whether or not to give their consent. If the practice in vogue does not accord with the treaty rights of the Princes and is based on one-sided interpretations of Government officials, whose sense of strict justice is overpowered by their zeal to serve only the interests of Government, the reluctance of the Indian States to consent would be obvious. It must, however, be gratefully acknowledged that Your Excellency has conveyed assurances that it will be your earnest desire to maintain the sacred treaties not only in the letter but in the spirit in which they were framed. The main principles which should govern the relations of the Indian Princes are those that are found in their treaties and engagements. Any usage or precedent or practice in the establishment of which the Princes had no voice and which may be detrimental to their interests, must be subjected to reconsideration in consultation with the Princes.

Her Highness the Begum of Bhopal:—Your Excellency,—As regards the relations of the Rulers of the Indian States with the Government of India being examined, not necessarily with a view to any change of policy, but in order to simplify, standardise and codify the existing

practice for the future, paragraph 305 of the Report needs, in my humble opinion, to be further elucidated. As Your Excellency has kindly suggested it would be well if a detailed memorandum on the subject is prepared by the Political Department to enable the Ruling Princes and Chiefs to come to a decision on the subject. The Rulers of the States regard their relations with the Government of India as most important, and on this delicate question they should like to be in possession of all the information that can be laid before them. With the principle of the recommendation, however, I have no reason to differ. It would, beyond doubt, remove a great many difficulties and simplify matters, if the relations of the Indian States with the Government of India were examined, and every individual State given a chance of putting up its case to the Viceroy.

His Highness the Maharaja of Kapurthala :—This is a question of far reaching importance. The views of the different States on the subject are bound to be coloured by their respective standpoints. In the light of my own experience and the circumstances of my State I am prepared to say that I regard the proposal as a sound one. The treaties, engagements or *sanads* came into existence in the remote past when the moral, political and material development of the State or, for the matter of that, of the whole of India, had not attained to the pitch at which it stands to-day. Railways, telephones, canals, to mention only a few of the later phases of the material progress of the country, were not matters of practical politics then. The customs, excise, currency, postal, telegraph and extradition policy had already reached its present stage of evolution. In a number of cases, these topics of vital interest to the States concerned received scant attention, if at all. Of course there are and must be certain subjects the provision concerning which made in the treaties, etc., would need no revision or alteration and indeed, with a view to allay apprehensions or remove misgivings, would require to be distinctly re-affirmed, but matters regarding which the treaties, etc., are silent and around which certain practice has grown up and has crystallized into a sort of case-law require to be carefully examined and placed on a fair and proper basis in consultation with and with the concurrence of each individual State. It is in reference to such cases that standardization, simplification and codification might, in my opinion, be profitably resorted to.

His Highness the Maharaja of Dewas (Senior Branch) :—Your Excellency,—As regards this point of the agenda my personal view is that now, after the lapse of a hundred years, it is impossible and indeed undesirable to attempt to adhere literally to the terms of those early treaties, engagements and *sanads*, though the spirit, which is really the only important part, can never be lost sight of by the contracting parties. This being so, it seems to me that unless it is especially desirable in any particular case it will only cause much trouble and I fear also perhaps arouse heated controversy as to the intentions of the original framers. In some cases there may be contemporary correspondence which clearly shows these intentions, while in other cases no such explanatory documents are forthcoming, and after all it must be remembered that historically these treaties were not in all cases made as between equal contracting parties, but were dictated by the stronger, and even so we still look on them as the strongest safeguard of our rights and privileges to such an extent that when contrasted in some quarters with later practice, it has given rise to a clamour for a literal adherence to their terms. Thus even in those days we were treated with true generosity: how much more should we now confidently rely in these days of peace, progress and co-operation on the continuance and, if it be possible, even on the extension of that generous treatment culminating in such standardizing, codifying and simplifying of general practices as will end in ensuring our complete internal autonomy.

With these remarks I would propose that it should be left to the Imperial Government to take such steps as they consider will best secure this end rather than make it the subject of formal controversy or unnecessary resolutions.

His Excellency the Viceroy (addressing Alwar) :—I understand that you are moving for a Committee.

His Highness the Maharaja of Alwar:—Yes, the proposal is that a permanent Committee may be elected by the Princes which should sit with the officials that Your Excellency may select from the Political, Legislative or any other Department.

His Excellency the Viceroy:—Do you wish to propose that now or to take the sense of the Conference?

His Highness the Maharaja of Alwar:—I think the sense of the Conference should be taken.

His Excellency the Viceroy:—Before putting the question I wish to say a few words. Now I am sure Your Highnesses would wish me to be perfectly frank in dealing with this important subject and you will not misunderstand me if I sound a note of warning. It is in no spirit of unfriendly criticism that I do so, but, if Your Highnesses are to consider this matter fully it is all important that you should have the whole position laid clearly before you.

I alluded to certain aspects of this question this morning, but I omitted to put before you one particular aspect, which I preferred to keep for our more private deliberation this afternoon when it would partake not of the nature of a public utterance, but of a friendly warning given to you with a deep sense of responsibility.

The Secretary of State and I have said in our Report that no constitutional changes that may take place will impair the rights secured to Your Highnesses by the treaties and I need not repeat that assurance. You are aware that it is our earnest desire to maintain to the full the rights and privileges secured to you under your various engagements. But it is necessary at the same time for the Princes themselves to realise clearly the obligation that rests upon them to rule their States with due regard to the interests of their subjects and of the Empire at large. It would be impossible for the Paramount Power to abstain from interfering, where necessary, to prevent misgovernment. In the old days when the treaties were made, the ordinary remedy for misrule was annexation. That policy was finally discarded in 1860 when the Canning *Sanads* were granted, and our present practice is to intervene by friendly advice through our local representatives, where necessity occurs, and in the last resort to curtail the powers of the individual Ruler or deprive him of them altogether. Now it is clear that the Paramount Power cannot divest itself of this right of intervention, the exercise of which is also necessary in the interests of the States themselves. The time has past, if it ever existed, when any protecting Power would be justified in allowing its protection to become an instrument of misrule. In these fateful days, when uncontrolled autocracy is rapidly disappearing throughout the civilised world, it is incumbent on Your Highnesses who enjoy the rights of internal sovereignty under British protection to justify your high position by a wise, just and liberal administration, and it is incumbent on the Imperial Government to retain such power of intervention as may be needed to secure that this obligation is fulfilled. I would urge Your Highnesses to bear in mind this cardinal principle, the recognition of which is essential to a true perception of our mutual relations.

I am fully confident that Your Highnesses will not misunderstand the note of warning which I have thought it my duty to utter before a decision is taken as to the appointment of a Committee. I do not believe that there is much misrule; it has always been laid down that in the case of misrule there is a clear case for intervention, therefore it is necessary for Your Highnesses to consider this aspect of the question. I trust it is an aspect that will very seldom occur. I will now ask Your Highnesses to signify in the usual manner whether you assent to His Highness the Maharaja of Alwar's proposal.

"That a permanent Committee of Princes may be elected by the Conference for one year to have periodical sittings with the officers of the Imperial Government from the Political and Legislative Departments, in order that the subject may be thrashed out in all its bearings and finally submitted before the next year's Conference when it could again be generally discussed."

(The vote was declared by His Excellency to be in favour of the proposal.)

His Highness the Maharaja of Gwalior:—With Your Excellency's permission I should like to say a few words with reference to what has just now fallen from Your Excellency.

We, the Princes of India, are loyal to the Imperial Government and hold it in great respect, and we always not only respect any sympathetic advice or suggestion from the Government but even welcome them.

All that we ask for is that our inherent rights as States and those secured to us by our treaties should be scrupulously respected, and that, when the Imperial Government feels called upon to interfere in the interests of just and good administration, the interference should be as sympathetic as possible and should be in the best interest of the State and the Ruler.

His Excellency the Viceroy:—I have no doubt that His Highness the Maharaja of Bikaner, who would wish to serve on the committee, would be taken as a member of it.

His Highness the Maharao of Cutch:—I was going to say that we might start by proposing the name of His Highness the Maharaja of Bikaner.

His Highness the Maharaja of Alwar:—From my experience during the last six months of working on the Princes' Committee, I have learnt that work progresses faster if there is a small but strong working committee instead of a large and unwieldy one. Although all interests should be represented, I think this is not entirely a provincial question where we need look at it from that standpoint, because here the question is regarding the general treaties with all the States. So I merely selected names who, I thought, would be very competent to take up this very delicate and important task, and I suggest the following names for Your Excellency's consideration:—

His Highness the Maharaja of Patiala,

His Highness the Maharaja of Navanagar,

His Highness the Maharao of Cutch,

His Highness the Maharaja of Bikaner,

His Highness the Maharaja of Gwalior,

The Political Secretary, and

Sir George Lowndes as representing the Legislative Department, and one other.

His Highness the Maharaja of Navanagar:—May I propose that His Highness the Maharaja of Alwar should be on the Committee.

His Excellency the Viceroy:— Yes.

His Highness the Maharaja of Alwar:—I think we must have some Political Officers of Your Excellency's Department.

His Excellency the Viceroy:—I think, so far as Political Officers are concerned, they are always at the disposal of this Committee. They will be only too glad to help this Conference, but I think it is most desirable that the members of the Conference should sit together, and I think gentlemen like the Hon'ble Member in charge of the Legislative Department and the Political Secretary should be also members of the Committee. Will that meet your wishes?

His Highness the Maharaja of Alwar:—I agree to it.

His Highness the Maharaja of Navanagar:—Will you kindly add the name of His Highness the Maharaja of Alwar?

His Excellency the Viceroy:—Yes.

His Excellency the Viceroy :—Are there any other names ?

His Highness the Maharaja of Kolhapur :—I would propose the name of the Chief of Sangli, because there is no one representing the Southern Mahratta territory. He is a young man and a better man than myself.

The Chief of Sangli :—I certainly think His Highness the Maharaja of Kolhapur is the best man.

His Highness the Maharaja of Alwar :—I hope you will all realise that it is not a provincial matter. It is essentially a matter regarding all of us, and I hope that Your Highnesses will be able to trust the Committee to safeguard, as far as possible, our common interests.

His Highness the Maharaja of Kolhapur :—I think one addition will not make much difference.

His Excellency the Viceroy :—I think the best way of dealing with this question is to put it as a whole to the vote first of all. The proposition is "*that a Committee of this Conference should be appointed.*" It will then be open to His Highness the Maharaja of Kolhapur to move an amendment adding any further names. Those in favour of the names which have been proposed by His Highness the Maharaja of Alwar will signify their intention by holding up their hands.

The proposition was then put to the vote and carried.

His Excellency the Viceroy (addressing Kolhapur) :—Now, Your Highness, it is open to you to make any amendment.

His Highness the Maharaja of Kolhapur :—I propose that the name of the Chief of Sangli be added to the Committee.

His Excellency the Viceroy :—It has been moved by His Highness the Maharaja of Kolhapur *that an addition be made to this Committee and that the Chief of Sangli should be put on it.* Those who are in favour of the proposal will kindly signify their intention by holding up their hands.

The motion was put and lost.

His Highness the Maharaja of Kapurthala :—I would suggest *that the Nawab Sahib of Loharu be put on the Committee.* He is a man of great experience and is one of the oldest Rulers, so I think he may also be appointed.

His Excellency the Viceroy :—Are you moving that as an amendment ?

His Highness the Maharaja of Kapurthala :—Yes.

The amendment was put to the vote and lost.

His Excellency the Viceroy :—We have not yet come to the end of the Agenda which is very long. We will now adjourn till to-morrow morning at 11 o'clock.

The Conference was adjourned to the 21st January.

DEATH OF HIS ROYAL HIGHNESS PRINCE JOHN.
COUNCIL OF PRINCES AND STANDING COMMITTEE OF THE
COUNCIL OF PRINCES.

PROCEEDINGS OF THE SECOND DAY.

21st January 1919.

His Highness the Maharaja Scindia of Gwalior moved the following resolution which was carried unanimously, the members standing:—

YOUR EXCELLENCY,—

We have all just heard with much grief the sad news of the demise of His Royal Highness Prince John, Their Majesties' youngest son. We mourn with them over this great bereavement and, on behalf of my brother Princes and myself, I beg leave to move the following resolution:—

“That the Ruling Princes in Conference assembled beg to record their deep sense of grief at the bereavement suffered by Their Majesties the King-Emperor and Queen-Empress in the untimely and sad demise of His Royal Highness Prince John and they beg to request His Excellency the President to convey to their Majesties their united heart-felt condolences on this mournful event.

I beg also to move that this Conference do adjourn until such time as His Excellency the President sees fit to reassemble it.”

His Excellency the Viceroy:—I think we are all agreed that this is a fitting way to convey to Their Majesties the sense of sympathy which all Your Highnesses feel for Their Majesties in their great bereavement; but I feel sure that the last thing His Majesty the King-Emperor would wish would be that the actual working and official business should be at a standstill, and therefore I would suggest to Your Highnesses that, as there is important work to be done by the Committee which you appointed with regard to the line separating the Rulers who enjoy full powers of internal administration from the others, that Committee should sit and continue its business. And I was going to suggest to Your Highnesses also, in view of the fact that we have to get on with business and were to discuss this morning sub-items (3) and (4) of Agendum No. I whether the same Committee could not take into consideration the matters which are contained in sub-items (3) and (4) and make a recommendation to the Conference. I feel in that way we shall be able to make very material progress in the work which we have before us, and that that would be the most fitting way of doing it. Of course, if Your Highnesses wish to add any other members of your Conference to that Committee, in view of the larger scope of the Committee, the matter is within Your Highnesses' powers. I do not know what would be the wish of Your Highnesses in the matter.

His Highness the Maharaja of Alwar:—I for one entirely agree with Your Excellency's proposition, and in order that we may proceed expeditiously with the work, I propose, if Your Excellency and Your Highnesses agree, that the same Committee may carry on the work.

His Highness the Maharaja of Patiala:—I beg to second the proposal.

The proposal was unanimously agreed to and the Conference adjourned to the 23rd January.

PROCEEDINGS OF THE THIRD DAY.

January 23rd, 1919.

Agendum I—Item (1).

His Excellency the Viceroy:—I will ask His Highness the Maharaja Scindia of Gwalior to present the report of the Committee which sat to consider the various sub-items of Agendum No. I.

His Highness the Maharaja of Gwalior:—With your Excellency's kind permission, I beg to present the Committee's report on Agendum I, item (1).

The Committee appointed on January 20th recommends the following draft resolutions for the consideration of the Conference.

Agendum I—Item (1).

Resolution A.

That this Conference recommends that a definite line should be drawn for the purposes indicated in Chapter X of the Report.

Carried unanimously.

Resolution B.

That this Conference recommends that the line of demarcation should be between (i) Sovereign States having full and unrestricted powers of civil and criminal jurisdiction in their States and the power to make their own laws, and (ii) all other States.

Carried unanimously, with the exception of His Highness the Nawab of Maler Kotla and the Chief of Sangli, who reserved their opinions.

Resolution C.

That the Chamber of Princes should consist exclusively of Sovereign Princes as defined above.

Carried by majority.

His Highness the Maharao of Cutch and His Highness the Maharaja of Kolhapur dissenting.

His Highness the Nawab of Maler Kotla and the Chief of Sangli reserved their opinions.

Resolution D.

That the Conference would commend to the favourable consideration of the Government of India the relaxation of restrictions now imposed on the powers of a Ruler in cases where such restrictions are imposed by practice or usage or in pursuance of the terms of any treaty, *sanad*, or engagement. The above recommendation is subject to the proviso that, before any enhancement of status is given, full consideration should be paid to the representations of any State possessing feudatory rights over the State affected.

Carried by majority.

Their Highnesses the Begum of Bhopal, the Maharaja of Gwalior, the Maharaja of Navanagar, the Maharaja of Kolhapur, and the Maharaja of Dewas (Senior Branch) dissenting.

Resolution E.

That Ruling Chiefs not entitled to sit in the Chamber should be represented, if they so desire, provided that they shall invariably be represented—

(a) where there is a Sovereign Prince in their Province, by such Prince, and

(b) where there is no Sovereign Prince, by a Sovereign Prince of another Province.

Carried by majority.

His Highness the Maharao of Cutch, His Highness the Maharaja of Kolhapur, His Highness the Maharaja of Navanagar and the Chief of Sangli dissenting.

His Excellency the Viceroy:—From the discussion it appears to me that Your Highnesses would prefer to have a longer time to consider the report, but if there are any preliminary remarks which any of Your Highnesses would wish to make on this Committee's report, perhaps they would make them to-day. Anyhow, we will have a discussion again to-morrow morning on the report.

His Highness the Maharao of Cutch:—With reference to the first item on this list, the draft resolution, as worded by the Committee, reads as follows :—

"That this Conference recommends that a definite line should be drawn for the purposes indicated in Chapter X of the Report."

The original draft on our Agenda read "that with a view to improve future relations between the Crown and the States, a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others." I respectfully beg to submit that the original drafting of this resolution is better on the Agenda than on the report of the Committee.

(*After a pause and addressing His Excellency the Viceroy.*)—Is it proposed to take the report item by item, or that a general discussion should take place?

His Excellency the Viceroy:—I think, Your Highness, it would be better if you just make your preliminary remarks on the report. We will take the report again to-morrow morning.

His Highness the Maharao of Cutch:—Preliminary remarks on the whole of the report?

His Excellency the Viceroy:—I think if you make preliminary remarks on the whole report it would be better, but you will have a chance again to-morrow morning to speak.

His Highness the Maharao of Cutch:—That is my view with reference to item (1) of Agendum No. I.

Then coming to draft resolution C., viz.:—

"That the Chamber of Princes should consist exclusively of Sovereign Princes as defined above."

At the Committee meeting I differed from the conclusions arrived at by the majority and I beg to read out a note giving my reasons why I disagreed with the conclusions of the Committee.

"I cannot agree that this Chamber of Princes shall consist only of Princes who enjoy full powers of internal administration because the proposals of the Montagu-Chelmsford Report in paragraphs 304 to 311 affect all the States as a class.

There is as much need for re-examination of the position of small States as there is of the big ones.

The Chamber of Princes (paragraph 306) is going to be instituted for the purposes of expressing opinions on 'questions which affect the States generally and other questions which are of concern, either to the Empire as a whole or to British India and the States in common.' I cannot agree that any Ruler should be debarred from having representation in a Chamber that is to deliberate on matters of such common interests.

The provision of a Standing Committee, for purposes mentioned in paragraph 307 applies equally to the smaller States.

The Judicial Enquiry (paragraph 308) for disputes between Government and a State and between one State and another is of as great a need to the smaller States as to the larger ones; and the Commission for enquiry into misconduct (paragraph 309) must be of concern to all the Princes and Chiefs.

The proposal made in paragraph 311 regarding joint deliberations affects the Indian States as a whole, and, although the interests affected are proportionate, there can be no doubt that they are of vital importance to every Ruler of a State and should not be settled in a Chamber which does not represent all the interests concerned.

Viewing the Reform Scheme as a whole, the Report gives a constitution for British India on the one hand and the Princes' India on the other. I cannot agree that a division should be made in the Princes' India with a view to exclude a whole class of States who should really find a place in so comprehensive a scheme as the Report lays down."

The above are my remarks with reference to resolution C on the Committee's report.

There is only one more item on which I should like to submit my views to this august Assembly, and that is in reference to resolution E under item I, which proposes:—

"That Ruling Chiefs who are not entitled to sit in the Chamber should be represented, if they so desire, provided that they shall be invariably represented, where there is a Sovereign Prince in their province by such Prince himself, and where there is no Sovereign Prince by a Sovereign Prince of another province."

At the Committee meeting I differed from this resolution. I dissented from that resolution because I do not agree with the *method* laid down in it for representation. But I am in entire accord with the *principle* of the resolution that the smaller States should find a representation in this Chamber.

His Highness the Maharaja of Kolhapur:—The functions of the Council of Princes as stated in the Report and as stated by His Excellency the Viceroy in his opening speech, are (1) matters applicable to the States generally as well as (2) questions of common interest between British India and the Indian States. These functions do not refer primarily to the fact whether a State possesses full powers or not but to the general position of a State whether big or small. Questions which touch the "States generally" and those that are of joint and common interest would equally affect a State whether it has full powers of internal autonomy or not. So it would be a great unkind cut to leave the smaller States out.

His Excellency the Viceroy himself has said, "Before quitting this point I should like to repeat a statement which I made a few months ago at Dhar, *viz.*, that the Government of India are concerned to safeguard the rights, privileges and interests of the relatively small States, no less than those of their larger neighbours, and welcome their Rulers equally cordially as partners and co-workers." Walking in the same foot-steps my conscience tells me that duty requires that I must put forth the rights of my brother-Rulers whom fortune has not favoured equally as some of my friends—the Rulers of larger States. I owe this to the Council whose influence I want to see enhanced and to the neglected "untouchable States."

To the advocates who place the whole scheme on the basis of powers I ask a straight question:—How many States are there who have full internal powers? The reply on international lines ought to be "none," and on the limited understanding I do not know why a "Bhumia with a small alluvial holding" may not now be included in the list by extending the process of adding to his existing powers.

The connecting link of a State with the Paramount Power is not the powers of a State, but all the relations created by treaties, usages and practices. Powers of internal administration are an accident of the period of the treaty or the circumstances which led to it.

I want to make myself clear with regard to the point urged by His Highness the Maharaja of Alwar. I have never advocated one-vote-a-man system for the smaller States. All I want is, as urged by His Highness the Maharaja of Patiala, that some sort of representation ought to be given to them by way of groups. To suit the principle that the Council should be a Council of the Princes and not of representatives, I would suggest that only one of the Rulers of the smaller States should be allowed to come to the Conference and not a Karbhari or a Secretary.

In reply to His Highness the Maharaja of Alwar's argument that Bhumias and alluvial proprietors who hold no lands would be included, I refer to Sir William Lee-Warner's remarks at pages 34 to 37 of his book. That gives a complete answer why petty Chiefships are regarded as "Indian States."

Further with regard to His Highness' remarks about my reference to Bundesrath, I need hardly say that a joke is not an argument. If not on the Bundesrath system, on what other understanding should His Exalted Highness the Nizam and Their Highnesses the Maharajas of Mysore and Baroda be asked to vote with a State which has an income of a few thousands.

My friends, Their Highnesses the Maharajas of Alwar and Navanagar, have said that the study of the reports of the informal conferences held at Alwar and Bikaner and Patiala would give me the reasons why the line on the test of powers should be drawn. I wish they had given me the arguments rather than referred me to the said reports. I am ever ready to learn especially from those who have given so much valuable time to this question. In the Bikaner note I find at page 2 an actual scheme given, which gives voice in the Chamber to all the 633 States in the interior of India. I quote here the Bikaner scheme :—

" 1. Chamber of Princes.

Constitution.

2. (a) Ruling Princes with 11 guns salute and over	84
(b) Ruling Chiefs with 9 guns salute—(one representative from every two, the total number of such Ruling Chiefs being 26).	13
(c) Chiefs of States with population of one lakh or over—(one representative from every five, the total number of such Chiefs being 22).	4
(d) Chiefs of States with population below one lakh—(one representative from every fifty, the total number being 501).	10

TOTAL . . . 111

Exception —No estate having feudatory relations with any Suzerain State shall have the right of representation in the Chamber."

Any of the schemes which will give representation to all the States will be acceptable to me. I would provisionally agree with the definition of a 'Native State' given by Sir William Lee-Warner at page 31 of his book.

The total number of representatives under that scheme is 111, which the Committee of the Princes then considered quite wieldy and representative. I do not know what happened at Patiala which made the Committee at once change front and take a very narrow view and raise the standard of "Full sovereign powers." I beg to be allowed to point out, for the information of my friends, all the arguments advanced in favour of the inclusion of smaller States at page 6 of the Bikaner scheme. In the right of an old colleague of His Highness the Maharaja of Navanagar, I must ask him, as he had the right to tell me to study old papers with due "diligence and care" which, as our Secretary, he is expected to do. In my remarks on the Patiala scheme, I had last year said as follows and I still stick to what I then said :—"I differ from the Patiala draft scheme about the composition of the Chamber and enter my strong protest against it. It is a decided setback on the Bikaner note. The scheme gives the eligibility for admission to the Chamber to those Princes only who have 'unrestricted civil and criminal jurisdiction over their own subjects and the power to make their own laws.' It further empowers the Chamber so constituted to 'add to its number the Rulers of other States whose inclusion the Chamber may deem advisable.' I am aware that sentiment and want of a definite single criterion to fix the eligibility at, are difficulties which we have to meet. But if our claim is to speak for one-third of the area and one-fourth of the population of this country, it is impossible to see why Princes with sovereign powers only should be the masters of the situation. This is the reversion of the principle of representation. Is the Committee aware as to what States it will have to exclude? It is an insult to the States so left out, and I regret I have to say that the suggested method of composition will unfortunately be the beginning or the end of the Chamber before it is formed. Is the Chamber intended to unite or create a split? It is rather strange to say that (1) revenue, (2) population, (3) extent, (4) honours, (5) acknowledged position, (6) the respect in which certain

States are held, and (7) the time and the spirit in which we are living, should not have weighed with the Committee. Does the Committee want the Chiefs who have no sovereign powers to form another Chamber in opposition to the one proposed? I am sure they would not allow the Chamber, as proposed to be constituted by the Scheme, to represent them. And why should they? The British Parliament can have within its four walls almost the same number of members as the Princes and Chiefs of India. They do meet together, can deliberate upon and decide matters of highest importance to the whole world. The House of Lords does not make distinction between Dukes and Lords. The hereditary and created Peers do sit together. In countries which have statal governments, small and big States meet together. Prussia and other States can transact business together. I appeal most earnestly to my brother Princes and Chiefs to rise above sentiment and be equal to the occasion. We may have a differing number of votes for different States according to their status, importance, land revenue, etc., and annex that list to the constitution of the Chamber, as is the case in Germany. Or we might give votes to groups of States on the basis of salutes, extent, population, powers, etc., if a body of all the Princes is considered unwieldy. But complete exclusion of some is undesirable.

I firmly believe—

- (1) that the proposed classification will not at all tend to remove "obscurity of the distinction of status," but will add to the existing difficulties by creating a new and a too technical and a highly artificial classification;
- (2) that the Political Officers are not known "inadvertently" to apply the practice of smaller States to bigger ones. Even the most junior clerk knows all about it and, supposing that a mistake is committed, is it beyond correction?
- (3) that it is by no means easy to understand how a definite line dividing States into two big groups will "assist the future relations between the Crown and the States," the treaty relations of which require different shades of treatment for almost every State.

To this I add my note which I read the other day in the Conference.

As regards the inclusion of feudatories, I regret I was ruled out of order by the Chairman. But I want to submit, with due deference, that it was not a correct ruling. I was standing for a principle and simply illustrated my point by reference to Baroda. My point was if only Sovereign Princes are to be included in the Council of Princes, many of the feudatories in Mahi Kantha and Rewa Kantha and in Kathiawar, who are feudatories of His Highness the Maharaja of Baroda, could not be included.

The Thakur Sahib of Limbdi:—The statement is quite wrong. There should not be a misrepresentation like this.

His Excellency the Viceroy (addressing Limbdi):—You will have an opportunity of speaking after His Highness the Maharaja of Kolhapur has read his paper. You will then be able to put forward your views.

His Highness the Maharaja of Kolhapur:—It is necessary to have definite idea about the principle of inclusion, so that it should be made applicable to all cases. If we only consider the views of State immediately before us, leaving aside the views of those who may be absent and which may carry great weight, we may be required to revise our opinions in the light of such representations from the absent Princes. We are here to lay down a correct principle. I still maintain that if Sovereign States alone are to be represented on the Council of Princes, feudatories cannot be included, and such an important point should be settled after full and complete discussion with Sovereign Princes whose interests may be ultimately affected, such as Baroda and Indore. The proviso which has been added to the proposition does not, in

my opinion, cover the case of Baroda. I must admit that there is a difference in the case of Baroda and its feudatories and the feudatories of Central India Sovereign States. But when a proviso has been added, which only relates to the removal of the restrictions of powers, such a proviso does not apply to Baroda. I am not quite certain whether it applies to Indore also. All questions between Sovereign States and their feudatories, whether they pay only contributions or whether they enjoy restricted rights, should be thoroughly considered before any final decision is arrived at. Unless the proviso is so largely worded, I still maintain it will not apply to Baroda and Indore and similar Sovereign States if any exist.

His Highness the Raja of Sitamau :—Your Excellency,—We make mere payments. Our connection is direct with the Government of India for the last hundred years. We are feudatories of no other State.

His Highness the Maharaja of Alwar :—Your Excellency,—I should like to have a ruling on this point; that when these items are taken, whether there will be further discussion on each point or whether these general observations as a whole will suffice and merely votes taken. In the former case it seems to me that we shall be travelling over the same ground when each item is taken separately.

His Excellency the Viceroy :—This is by far the most important point we have to discuss during this Conference. I am sure of this that we do not want to rush a matter of this importance. It is all-important that every member of this Conference should be able to state his views. I think this preliminary discussion we have had on this report shows that a very strong feeling exists with regard to this point. To-morrow I shall proceed to take observations, item by item; I shall not rule out anybody who has already spoken because he might prefer to concentrate his remarks. I think it would be as well, as we have met together to consider this very important question, that you should realise at the earliest possible opportunity the feelings that exist among some of Their Highnesses with regard to the nature of the Report. Therefore, to-morrow we shall concentrate our attention on individual items. This morning it will be sufficient to have this preliminary canter, if I may so express it, so that Your Highnesses may be able to clear your minds on each item as it comes up before the Conference.

His Highness the Raja of Sitamau :—It is very kind of Your Excellency to give us this opportunity, because it will affect our position materially.

His Excellency the Viceroy :—Your Highnesses understand that the Government of India are in no way committed; they will naturally take into very serious consideration Your Highnesses' proposals with regard to this matter. I need only point out that, if there were any serious differences upon this very important question, it is obvious that this is a matter that could not be settled within the purview of one Conference, there may have to be many Conferences before the question is thrashed out. So long as this important question, which is the basic principle underlying the Council of Princes, is not settled, we shall have to go on merely with the Conference and not with an established Council; that really goes to the root of the whole question; this is most important and we should take time to deliberate over this question. For goodness sake, don't let us rush a matter which has not a real consensus of opinion behind it. I am most anxious to allow the greatest latitude in the preliminary discussion. I shall not rule out anyone on any point of order, unless there is really a point of order before us. I shall endeavour to give Your Highnesses free play in regard to this most important question and I shall not take up any points of order.

This morning we shall take the discussion in this preliminary way and to-morrow we shall take it item by item.

Do you wish to discuss this matter this morning further? If not, we shall proceed to the discussion of Agenda I, item (5).

Agendum I.—Item (5).

(5) that, where the Viceroy thinks this desirable, Commissions of Enquiry should be appointed in regard to—

- (a) the settlement of disputes between the Government of India or any Local Government and a State or between one State and another, and
- (b) the decision of cases where a State is dissatisfied with the ruling or advice of the Government of India or of any of their local representatives.

His Highness the Maharaja of Kolhapur :—Commissions to settle the boundary disputes between two or more neighbouring States have been ungrudgingly granted in the past. Afghan, Kashmir, Cutch and Morvi and very many other boundary disputes were settled by Commissions.

The concession, however, of referring to a Commission disputes between the British Government and a State is the removal of a long-felt grievance. In cases of differences between the Paramount Power and the States, the States were, heretofore, naturally at a disadvantage. Their very position required them to yield to the written or unwritten usage, that the determination of any point by the Government was to be accepted without demur.

The further grant of the privilege of claiming a Commission, to determine the propriety or otherwise of the ruling or advice, given by the representative of the British Government, is a complete assurance that justice will not be denied to the Princes. The very admission of such a right by itself would put an end to much confidential reporting carried on behind the back of the Princes. I was very keen about such an enquiry and my best thanks are due to the Viceroy and to the Secretary of State for putting the Rulers on a footing of perfect justice. All these Commissions, however, should be granted as of right.

His Highness the Maharaja of Dewas (Junior Branch):—The connection of the self-governing States, being primarily with the British Crown and their relations being directly with the Government of India, any disputes between the Government of India and such a State cannot with great deference be said to be settled until the finding is accepted by His Majesty's Government. I think it is but due to the aggrieved State to approach His Majesty's Government in the event of an unfavourable decision in India.

But in the other class of disputes between one State and another, a Commission of Enquiry may become highly desirable and necessary. Where both the parties are relatively of a self-governing status such a commission is necessary, but it must and is open to the aggrieved party to exhaust his last remedy above described for the redress of his grievance in case he has reason to disagree with the finding of the Government of India.

Where both the parties are relatively of a non-self-governing status, I agree that the decision by the Viceroy may be final. In cases where the parties are relatively not of the same status, then, as described above, the party with a self-governing status may go up to His Majesty's Government in case he feels aggrieved by the decision of the Government of India.

(b) In the case of self-governing States, I personally am not for any Commissions of Enquiry. The Government of India may appoint a Commission for its own satisfaction. Where the self-governing State is affected by an adverse ruling or advice, it must be open to it to seek the decision of His Majesty's Government.

In other cases a Commission of Enquiry may be welcome. But it is for the non-self-governing States to develop this point further.

His Highness the Maharaja of Kapurthala :—The proposal about Commissions of Enquiry to investigate and report their conclusions to the Viceroy on disputes between the Government of India or Local Government and Indian States or between one State and another is a desirable step. The Government of India would thus be in possession of the considered findings of a body of which one of the members would be an eminent judicial officer before it pronounces its final decision. Such a procedure is bound to be highly acceptable to the parties concerned. For similar and even more important reasons I welcome the recommendation that when questions arise of depriving the Ruler of a State of his rights, dignities and powers or of debarring from succession a member of his family, they should always be referred to a Commission to be appointed by the Viceroy to advise him.

His Highness the Maharaja of Navanagar :—The provision for a Commission of Enquiry made in paragraph 308 of the Report is satisfactory so far as it goes. It will undoubtedly engender an increased spirit of confidence. I venture, however, to think that it is capable of improvement and that if the proposal is amended so as to bring it more into conformity with clause IV of the Scheme framed by the Committee of Princes, it would leave absolutely no cause for complaint that the Government of India are both judge and advocate in their own cause. In British India, except in cases specially excluded from the jurisdiction of the ordinary judicial courts by statute, every subject has a right to sue the Secretary of State and thus has an independent tribunal before whom to seek redress, and the appeal in proper cases could be carried to the Judicial Committee of the Privy Council. I should think that the fact of a Prince being a Ruling Chief should not be a bar to him to have his dispute with Government settled by an independent Judicial Tribunal or Commission. It will, therefore, be more in consonance with the dictates of justice if *every case* of an Indian State against Government is at the request of the State referred to a Commission. In case the proposition is not acceptable to Government, and if it is thought necessary that discretion to refer should be left to Your Excellency, I would urge that at any rate every dispute between an Indian State and Government (which would form the subject matter of a suit in an ordinary civil court if the dispute were between a subject and the Government) should, as a matter of course, be referred to a Commission constituted as proposed in the Report. I further think that in cases of dispute between Government and an Indian State the Commission should be not simply one of Enquiry but a Commission for trial with power for final decision. For then only both parties would be placed on a position of equality. Otherwise, if the finding of the Commission is against the Indian State, it would be binding on the State, but if it were against Government, Government would have the further remedy of going to the Secretary of State with a chance of having the finding reversed.

As regards disputes between two Indian States, I see no objection to leaving it to Your Excellency's discretion whether or not to refer the case to a Commission at the instance of one party only. This appears necessary in view of the apprehension, which may be entertained by a less affluent State of being at a serious disadvantage in its fight with a wealthier State.

Her Highness the Begum of Bhopal :—Your Excellency, I heartily agree with the proposal in the Joint Report that Commissions of Enquiry should, when the Viceroy thinks desirable, be appointed in regard to the settlement of disputes between the Government of India or any Local Government and a State, or between one State and another, and the decision of cases where a State is dissatisfied with the ruling or advice of the Government of India or of any of their local representatives.

His Highness the Maharao Raja of Bundi :—The motive underlying the proposal of appointing a Commission of Enquiry by the Viceroy for the settlement of disputes between the Government of India or any Local Government and State and between one State and another and for the decision of cases when a State is dissatisfied with the ruling or the advice of the

Government of India or any of their local representatives, is a laudable one, as no suitable machinery to decide such cases is extant at present, and so I endorse the scheme with a proviso that the minor cases should be disposed of, as usual, without resort to such an elaborate and expensive machinery. If the States disagree with the finding of the Commission, they should have the right of appeal to higher authorities.

When questions arise of depriving a Ruler of a State of his rights, dignities and powers or of debarring from succession a member of his family, they should always be referred to a Commission to be appointed by the Viceroy to advise him. This question is of a very delicate nature, as the position of a Ruler in the eyes of his subjects is a very unique one, and anything which tends to impair his dignity is sure to slacken the fidelity and loyalty of the subjects towards their master for ever, which will render his carrying out of the administration very difficult. The friendly and timely advice of the Residents of the Government is sure to avoid such unhappy occurrences. If, unfortunately, there arise a question of this nature and perhaps very rarely, the appointment of a Commission for advising the Viceroy will be of advantage. Its personnel should be more clearly defined and the Prince or Chief should in any case have the right to be represented by counsel, and if the Prince or Chief disagrees with the finding of the case, he should have the right of appeal to His Majesty's Secretary of State for India.

His Highness the Maharaja of Dhar :—Inter-statal disputes should be decided by the Government with the advice of a Commission. With regard to disputes between a State and the Government, a Commission should be appointed and an appeal on either's motion should lie to the Secretary of State. The Commission to be granted on the option of the concerned.

We want that enquiry should be made by Commission, but the matter should be decided by His Excellency the Viceroy in consultation with the Princes' Council. In the Commission of Enquiry out of the additional Members the Prince concerned should be allowed to have at least one member of his choice.

His Highness the Maharaja of Gwalior :—In the same way for myself, the suggestion made in paragraph 308 of the Report is approved, but it should be made clear that parties will have the right of being represented by counsel before the Commission.

His Highness the Maharaja of Alwar :—I understand that there is not any very great difference of opinion on the main principle of these Commissions of Enquiry. It is merely a matter of drafting a resolution for the consideration of the Conference. There are certain points which will require to be added, because the Report framed by Your Excellency and the Secretary of State lays down the recommendations, but as to details there are certain points which might be considered at the same time as the resolution is being drafted. I do not think this is a contentious point and I do not suppose that there would be any very great discussion or delay in drafting such a resolution. Therefore, I would propose that the Princes interested in the subject might be appointed on a Committee to draft such a resolution which, I think, in the course of an hour or two they could present, and we could proceed, if Your Excellency approves and the Conference approves, with the other subjects also, so that the Committee could frame further resolutions and put them all together before the Conference for full deliberation.

His Excellency the Viceroy :—I think, Your Highnesses, that the proposals which are embodied in the Report are fairly clear. There may be one or two points on which Your Highnesses would wish to express your opinions, but the time at our disposal is very limited and I think, if we are going to transfer this matter again to the consideration of a Committee, we shall not be getting on with our business. So I would suggest that on this particular matter we should, if possible, dispose of it in full Conference this morning. If Your Highness has some additions to suggest with regard to this particular proposal, I would suggest that you make them in the Conference this morning.

His Highness the Maharaja of Navanagar :—Your Excellency,—We feel that in drafting this resolution we should not like to do it in a hurry as there is a great deal of difference in the Report framed by Your Excellency and the Right Hon'ble the Secretary of State and those proposals approved of by the Prinees when we sat in Committee. I would like to embody the material differences that exist between the Montagu-Chelmsford Report and that of the Princes' Committee and that will take a little time, if you will allow us to draft it.

His Excellency the Viceroy :—I do not in any way wish to stand between the Conference and their wishes. That is the last thing that I would wish to do. I certainly was under the impression that, so far as this Commission of Enquiry was concerned, there was fairly general agreement about it, but if, as I understand from your Highnesses, there is not that general agreement between Your Highnesses and the suggestions made by the Secretary of State and myself, I certainly do not wish to suggest that you should at once proceed to adopt the resolutions which are proposed here. In that case, if you feel that there are material differences, it would be very much better that it should be thrashed out in Committee.

His Highness the Maharaja of Navanagar :—The difference is not in the actual appointment of the Commission of Enquiry, but in adding something more to it.

His Excellency the Viceroy :—I presume that something more was not added in our Report, because it was thought it would not improve on it. Is it possible for you to specify now what that addition is?

His Highness the Maharaja of Patiala :—I agree with His Highness the Maharaja of Navanagar and His Highness the Maharaja of Alwar that the resolutions may be drafted in Committee and then brought forward for discussion in the Conference.

His Excellency the Viceroy :—If that is the general feeling, I do not wish in the slightest degree to suggest it should not be carried out. If one of Your Highnesses will move that a Committee be appointed to consider this matter, I will put it to the Conference.

His Highness the Maharaja of Gwalior :—Will it not be best to appoint a Committee to draft resolutions and give them a week to do it and then let the matter be brought before the full Conference, because it seems to me that it is coming to this stage that on every point the necessity of a sub-committee is felt? Therefore I most humbly suggest that it would be better to give the whole of the questions in Chapter X to a sub-committee consisting of Sovereign Princes and those who have the idea of becoming Sovereign Princes, which will be a very amiable committee, and probably my brother Prinees will come to some happy conclusion.

His Excellency the Viceroy :—I think that is a delightful suggestion, Your Highnesses, but I can only say that I cannot contemplate with any equanimity the assembly together again of Your Highnesses here in a fortnight's time. I shall have a great deal of other work to do and I am afraid I cannot take on such a proposition. What I would suggest—and it is perfectly obvious from our deliberations in this Conference, which have been most fruitful, most suggestive, and showing the importance which Your Highnesses attach to the whole question—what I do suggest is that there will be another Conference in November next and it will be perfectly competent for Your Highnesses to appoint a Committee from amongst yourselves to consider all these questions afresh in the light of the discussion of this Conference, and then bring them up in November next. But I must say frankly at once that it would be quite impossible for me to summon Your Highnesses here again in a fortnight's time, delighted as I am to have Your Highnesses here. There is other work which I have to do and I am afraid that would be out of the question.

His Highness the Maharaja of Alwar:—I propose that a Committee be appointed of Their Highnesses to consider item 5 of Agendum No. I.

The motion was put to the meeting and carried.

His Highness the Maharaja of Alwar:—I propose the following names for the Committee:—

His Highness the Nawab of Maler Kotla,

• His Highness the Maharaja of Patiala,

His Highness the Maharaja of Navanagar.

His Highness the Maharaja of Dhar.

His Highness the Nawab of Palanpur.

The proposed Committee was agreed to, with the addition of the names of His Highness the Maharaja of Alwar and His Highness the Maharao of Cutch.

Agendum I.—Item (6).

"That when questions arise of depriving the Ruler of a State of his rights, dignities and powers, or of debarring from succession a member of his family, they should always be referred to a Commission to be appointed by the Viceroy to advise him."

His Highness the Maharaja of Navanagar:—The recommendation that no Ruler of a State should be deprived of his rights, dignities or powers, and no member of his family should be debarred from succession unless there is first an investigation by a Commission of the circumstances entailing such a penalty, is undoubtedly a very salutary provision against any risk of hasty or arbitrary treatment. The constitution of the Commission as proposed in paragraph 309 of Chapter X is somewhat different from that proposed in clause V of the Scheme framed by the Princes' Committee. A High Court Judge with two Princes form the common element of the two recommendations, but the Commission proposed in paragraph 309 of Chapter X must consist of five members whereas that proposed in clause V consists of three members only. I think that one in the position of a Ruler of an independent State should only be tried by his peers and for such a trial two Princes with one High Court Judge to guide them in the mode of inquiry and in their deliberations should be considered an adequate strength for a Commission.

Clause V of the Scheme gives the person under trial the right of challenge not exercisable more than twice in any particular case, whereas paragraph 309 of Chapter X only provides that the names of the Commissioners should be intimated in advance to the defendant before they were appointed.

I am inclined to think that instead of the right of challenge, four names of Princes who may have previously intimated their consent to serve on the Commission should be intimated to the defendant with an option to him to say which two of the four names he would prefer to have on the Commission. Such a procedure will give the defendant the right which is of the same value as the right to challenge exercisable twice in each case and at the same time it would remove any difficulty arising from the fact that Princes, who would not like to see themselves subjected to the risk of the indignity of being challenged, would refuse to consent to serve on a Commission. The intimation of the names in advance to the defendant is not a provision of very great use to him, for unless he makes out a very strong case against the inclusion of a name, he would run the risk of having a commissioner as his Judge whom he has offended by raising objections against his inclusion in the Commission. Under such circumstances the defendant would naturally feel great reluctance to raise any objection although he may be feeling all the while the uneasiness that he would not have a fair trial.

For the reasons above mentioned, I propose that the proposal of clause V of the Scheme framed by the Princes' Committee should be adopted in place of the recommendation made in paragraph 309 of Chapter X.

His Highness the Maharaja of Dewas (Junior Branch):—I divide my answer into two parts. The first part would be with reference to treaty and the second with reference to non-treaty States.

(a) Although we are treaty or self-governing States, the characteristic features of our rule are "the personal rule of the Prince and his control over legislation and the administration of justice." Therefore while we insist upon our rights, dignities and privileges secured to us under our treaties, we must acknowledge in fairness the Government of India's intervention in our domestic affairs where our government of our subjects violates the fundamental principles of good government; otherwise the subjects will rebel and chaos will result.

So long, therefore, as we choose to govern on the old familiar lines, intervention is the only alternative. This has been hitherto the procedure or practice followed by the Government. But this procedure or practice will no longer fit in with the present environment. Our connection with the British Crown is getting more intimate and our relations with the Government of India are daily increasing. If we do not keep abreast of the times, but lag behind and fail to observe the ordinary canons of good government, the expedient of a Commission is the only alternative. When we realize that the Government, instead of putting an end to the existence of the State in cases of flagrant misgovernment, chooses to deprive the Ruler alone of his powers, while preserving the rights of the State, the justice and need of the expedient now suggested stands unquestioned. The very utmost that a Ruler can ask is that he be tried or enquired into by his peers, say four of them, with the Viceroy as their Head. I am inclined to suggest therefore that a special tribunal consisting of four Ruling Princes in keeping with the dignity of the Ruler under enquiry with the Viceroy as their President shall make the enquiry and on the results thus obtained the Viceroy should decide, the decision being subject to the aggrieved party's right to approach His Majesty's Government and to require their decision.

Similar considerations would apply in the case of any member of his family being debarred from succession.

Where the question is with respect to a non-self-governing Ruler or a member of his family, the special tribunal should consist of four of his peers with a Governor of a Presidency as their Chief; the results obtained on such enquiry should be gone through and decided by the Viceroy.

I am assuming above that our internal rule is as pithily described in the Report. Where the internal rule is on a systematic basis and on constitutional lines, in other words, where a self-governing Ruler has fully realized his responsibilities of rule, has left behind the old world theory of *L'état c'est moi*, and has begun to govern on sound and constitutional lines, a case for Government intervention in either of the two hypothetical cases hardly arises, as the constitution itself will have provided for such contingencies. In the present state of things it is idle to foretell when the above event would come to be a reality. The recent fate of Russia has amply illustrated the fallacy of such an expectation being early realized in India. The road to self-government deriving its sanction and validity from the people governed is long and arduous. How long and how arduous the task is, it is unnecessary for me to say here. The only two nations, one the offspring of the other, that have survived the shock of upheavals—America and England—illustrate by their life history what sore trials oftentimes they passed through before they found themselves in the position of to-day.

His Highness the Maharaja of Kolhapur:—Paragraph 309 of the Reform proposals provides an important procedure that must be followed when a question arises of depriving a Ruler of a State of his rights, dignities, powers, or debarring from succession a member of his family. It is further

provided that questions of this sort must always be referred to a Commission to be appointed by the Viceroy to advise him.

The invariable appointment of a Commission would be useful, in so far as it will bring to light useful material which would have been otherwise lain buried. But this is only an adjective law. It is British instinct not to pass important decisions without due enquiry, and that enquiry is proposed to be guaranteed in future. But the Commissions are to be advisory, and there is nothing to prevent their advice being not followed in some cases. There is a possibility of final action being based, not only on the opinions of the Commission, but on confidential and other reports, to which the Princes will never have any access, and which they will never have an opportunity of contradicting. Being grateful for what has been done for the Princes, I cannot pass over this subject without saying that the decision of the Commissions should be binding, with a power to appeal to the Secretary of State by the dissatisfied party, where both the parties should be free to represent their cases. To take a view against the decision of the Commission, on some other ground, or by not accepting its opinion, is in itself a wrong which ought to be remedied. The action of Government in such cases is likely to be misunderstood, and is likely to be a blot on the fair name of British justice. As an illustration I refer to the Baroda case. None can sympathise with the methods of Government of the late Maharaja of Baroda. A Commission was appointed "fully and publicly to enquire into the charges, and to afford to His Highness Malharrao every opportunity of freeing himself from the grave suspicion which attached to him." The administration was temporarily assumed by the British Government pending trial. The charge was "Instigation to the attempt to poison Colonel Phayre," the British Resident at Baroda. His Highness Malharrao was not tried for misrule, nor was the administration temporarily assumed for the same. He was never given an opportunity to place his side of the case about misrule. A period of probation was given him, and that period was not over at the time of his deposition. His fate, every one naturally thought, hung upon the decision of the Commission. But the proclamation dethroning Malharrao runs in these words:—

"The Commission being divided in opinion, Her Majesty's Government have not based their decision on the enquiry or the report of the Commission, nor have they assumed that the result of the enquiry has been to prove the truth of the imputation against His Highness. Having regard, however, to all the circumstances relating to the affairs of Baroda, from the accession of His Highness Malharrao to the present time, his notorious misconduct, etc., the Government have decided that His Highness shall be deposed."

The Government did no doubt what ought to have been done in the interests of the Baroda rayats. It goes against the accepted doctrines of natural justice that decisions should be based, at the same time, on matters not in issue. In order to get this point cleared, and to give to the Rulers the right of being heard in self defence, which is never denied under British rule to the meanest subjects or to a confirmed offender, it is necessary that the decision of the Commission should be held binding, with a power of appeal.

The stronger in point is the Aundh case in the Satara district of the Bombay Presidency. In that case a Commission was appointed to investigate into the charges against the Chief. After trial, he was given a period of probation, during which he was to live away from his territory and to improve his conduct. Long before the expiry of that period, however, a decision was communicated to the Chief that he was permanently deposed, and his uncle was placed on the *gadi*. The Chief did not know, and no one yet knows, what happened in the meanwhile which made the Government curtail the period of probation and depose the Chief. To this day no one knows the cause of his deposition. The decision in the Aundh case has made several Princes uneasy, and nothing will remove their fears, unless Government place the papers of the case on the table of the Princes' Conference, or if the whole thing is of a confidential nature, it might be shown to some Princes. Not only the right of the deposed Chief, but even those of his nearest collaterals (i.e., his

own younger brother who is studying in the B.A. class) according to Hindu law are said to have been passed over without enquiry. And in this way even the issue of the deposed Chief's father has been punished.

As a necessary corollary of all these cases, political law on the basis of natural justice and international usages must grow, and will have to be definitely settled. What would constitute flagrant misrule sufficient to depose a Ruler, what would be considered enough for depriving him of his power temporarily or permanently, and what misconduct of the member of a Ruling family would be regarded of such grave character, as to debar his succession and that of his heirs, are points which will call for immediate solution.

I have one more suggestion to make with regard to paragraph 309 of the Report. When the names of the Commissioners are intimated to the defendant in advance, he should have the right to challenge them. The reason for this is obvious. This right is recognised in all trials by jury. In the absence of such a right, even if justice is done, room is left for the complaint that the decision was given against the defendant by the Commissioners, as they had to bow to the wishes of Government, or that they had some ill will against the defendant.

His Highness the Maharaja of Patiala :—I propose that item (6) of Agendum No. I be entrusted to the same Committee for drafting a resolution.

His Highness the Maharaja of Alwar :—I support the proposal.

His Highness the Maharaja of Dewas (Senior Branch) :—I would suggest the addition of the name of His Highness the Maharaja of Gwalior to the Committee.

His Excellency the Viceroy :—There is a resolution now which has been moved by His Highness the Maharaja of Patiala that a Committee should be appointed with regard to item (6) of Agendum No. 1.

His Highness the Maharaja of Patiala :—I suggest the same Committee may be entrusted for drafting a resolution.

His Highness the Maharao of Cutch :—May I add one more name, Your Excellency, that of Sir John Wood.

His Highness the Maharaja of Patiala :—I second it.

His Excellency the Viceroy :—I think it will always be convenient to have Sir John Wood at your disposal. It is not necessary that he should always be a member. He will sit there to help you in your deliberations. It will be a great convenience, I am sure you will all agree, if Sir John Wood were to sit with you in all your Committees, but there may be cases where his presence may not be necessary, in which case Sir John Wood would be the first to welcome a little rest. But I think in the other cases it will be to the interests of the Conference and also to the interest of the Committees that he should be in attendance to help you in your deliberations.

The resolution was then put to the vote and carried.

His Excellency the Viceroy :—That terminates our work for this morning.

His Highness the Maharao of Cutch :—I was going to suggest to Your Excellency that although considerable light has been thrown by the discussions which have taken place this morning on the various subjects under consideration of this Conference, we do not seem to have been able to dispose of any business. Might I suggest for the consideration of the Conference that, as the two questions reserved for the afternoon seem to be non-controversial, they may, if possible, be disposed of before the meeting is

adjourned? I mean the questions of the direct relations between Indian States and the Government of India and measures that may be suggested for joint deliberation.

His Excellency the Viceroy:—If all of Your Highnesses are prepared to go on with the other two items on the agenda, I shall be only too glad.

Agendum II.

“To consider the question of precedence of Ruling Princes *inter se* at social functions.”

His Highness the Maharaja of Alwar:—I suggest an alternative proposal if it suits the sense of the Conference, for so far as I can see in the remaining three items on the agenda there is one more subject on which the Conference might desire to have a Committee, *i.e.*, regarding the last item, the question of precedence *inter se* at social functions. If that should be the general sense of the Conference the Committee might be proposed by any of the members which could work simultaneously with the other so that the reports of all the three Committees could be submitted before the Conference to-morrow morning.

His Highness the Maharaja of Dewas (Senior Branch):—I have given this question my most patient and careful consideration and I have come to the conclusion that I laid before Your Highnesses last year.

Treaty Princes should take precedence over Non-Treaty Rulers and in each class the dates of accession to the *gadi* should determine the order of precedence, a Prince or Ruler who has succeeded to the *gadi* earlier taking precedence over one who has succeeded later. This is the line of least friction among us all. It is time that we Rulers should cast off all ideas of our importance once in the past and took our stand on the terms we secured to ourselves from the British Government. This alone will stand the test of time as it has so long stood and nothing else will.

His Highness the Maharao Raja of Bundi:—The question of precedence of Ruling Princes *inter se* at social functions is, as I said in my last note, full of complexities and of a vexatious nature, as the discussion on this subject would tend to create ill-feelings among the Princes. The *izzat* of the Princes and Chiefs is inseparably bound with their persons and so they cannot part, so far as I believe, with their established honours achieved at great sacrifice of their person and property in the service of the Empire and well guaranteed by the Imperial Government. The *izzat* of the Princes cannot be different at social functions from that at official Darbars. This being the case, any departure from the long established practice which tends to lower that dignity is undesirable. In private and social functions where they meet as friends and the formality deserving their rank is not desired, the question of precedence should not arise, and so the question should be dropped.

His Highness the Maharaja of Kapurthala:—The Conference of Ruling Princes and Chiefs held in November 1917 passed a Resolution that the consideration of the question of their precedence *inter se* at social functions should be postponed till the present session. The importance of an early determination of the problem cannot be gainsaid or overrated. It is unconnected with and has no bearing on the question of precedence *inter se* at State functions. On such occasions the Princes are seated in provincial groups according to their local precedence. Awkward situations arise when Princes of equal status belonging to different provincial groups have to be fitted in at dinners, etc. In the absence of a well-defined working basis errors are bound to occur and cause dissatisfaction. Inasmuch as such contingencies can be avoided by approaching the question in the right spirit and clinching it once for all, its indefinite shelving would, in my opinion, be

extremely undesirable. The argument that its consideration is likely to disturb our amicable relations is hardly valid. The matter affects us all equally and its emergence from its present uncertain and unsatisfactory state would not involve a reversal of political precedence. Instead of embittering our feelings towards each other an early disposal of the issue would eliminate a potential source of misunderstanding.

Let us now consider how best we can tackle this problem. In European countries and elsewhere in the civilized world the date of accession determines precedence among Sovereigns on social occasions: I see no reason why we should not follow that simple practice: Age is another possible factor, but I am convinced that seniority of accession would be a more suitable criterion in our case.

The next point correlated to this general principle is the question of status. Which Princes are to be regarded as being of equal position? An answer to this it would not be impossible to find. My own suggestion is that equality of status should be determined subject to the following considerations:—

(i) Salute.

(ii) Power.

(iii) Relations with other States. For instance, the Ruler of a State which pays tribute to another State either directly or through the Government of India would not be regarded as having the same status as a Ruler whose State pays no such tribute (*i.e.*, to another), even if the two may be on a par in every other respect. With these remarks I would strongly urge that no further adjournment of the question should take place.

His Highness the Maharaja of Gwalior:—As regards Agendum No. II I am still of the same opinion that the question should be adjourned.

His Highness the Maharaja of Kolhapur, Her Highness the Begum of Bhopal, and His Highness the Maharaja of Dewas (Senior Branch) seconded His Highness the Maharaja of Gwalior's proposal.

His Highness the Maharaja of Alwar:—I think it would be a pity if Your Highnesses were to drop the question entirely, because in that case I am afraid we shall be no further than where we were last year when this question was brought before us. At any rate the Committee might try its labours and endeavour to see if it is possible for them to arrive at some kind of solution of the problem.

His Highness the Maharaja of Dewas (Senior Branch):—Would it not be better, Your Excellency, if you were to put the question to the vote as to whether the consideration of this question should be taken up now or it should be adjourned.

His Excellency the Viceroy:—I propose to do that, but I would like to have Your Highnesses' opinion first.

His Highness the Maharao of Cutch:—I think, Your Excellency, that the question ought to be faced. Last year we shelved it for this year, and this year we shelve it or drop it altogether. That will not relieve the situation in any way. Had the Government not found any inconvenience in the matter the question would never have appeared on the agenda of this Conference or on the agenda of last year's Conference. I entirely agree with the views of His Highness the Maharaja of Alwar and His Highness the Maharaja of Patiala that the question should be thrashed out if possible and placed in a form which may prove acceptable to this Conference. I strongly deprecate the idea of dropping this question altogether or of indefinitely shelving it, although perhaps it may not be possible to arrive at a decision on the question at this Conference.

His Highness the Maharaja of Patiala :—I think His Highness the Maharao of Cutch is under a misunderstanding. I have not given my view at all.

His Highness the Maharao of Cutch :—I thought His Highness the Maharaja of Patiala had spoken in support of it, but if I made a mistake I apologise.

His Excellency the Viceroy :—The most convenient way of putting this question would be first of all to put that a Committee should be appointed to consider this question. Those who want the whole thing dropped will then vote against the appointment of the Committee. If, supposing that a Committee is negatived, I shall then put it to the Conference, and no doubt His Highness the Maharaja of Gwalior will move that no further action need be taken in regard to Agendum II. So the first question Your Highnesses have got to consider is whether a Committee should be appointed to consider Agendum II, which deals with the question of precedence *inter se* at social functions. It has been moved that a Committee be appointed. Those in favour of the appointment of a Committee will signify in the usual manner.

The motion for the appointment of a Committee was put to the vote and carried by 15 votes to 12.

His Excellency the Viceroy :—Now we will propose the names.

His Highness the Maharaja of Alwar :—I cannot propose the names because I shall be working on the other Committee.

His Highness the Maharaja of Patiala :—I propose that a Committee be appointed who should present its report next year so that we may get the advice of His Highness the Maharaja of Bikaner.

His Excellency the Viceroy (addressing Patiala) :—May I draw your attention to a point of order, Your Highness?

His Highness the Maharaja of Patiala :—I proposed this owing to the fact that His Highness the Maharaja of Bikaner has very strong feelings about the matter and in order that we may be able to get his views.

His Excellency the Viceroy :—If Your Highness had these observations to make you should have made them before.

His Highness the Maharaja of Patiala :—I see.

His Excellency the Viceroy :—If the Conference chooses in its wisdom to revoke the decision come to, that is another matter, but the matter has been settled and we cannot now discuss it.

His Highness the Maharaja of Dewas (Senior Branch) :—If the Committee is appointed, I would strongly urge that the members should be taken from all the Provinces.

His Excellency the Viceroy :—It is obvious that the Conference has got itself into a tangle on this question and it is probable its deliberations will bring us to another conclusion to-morrow. I therefore suggest that we adjourn till to-morrow. It will be open to Your Highnesses, after you have talked the matter over among yourselves, to decide whether we shall proceed with the Committee.

His Highness the Maharaja of Alwar:—I was only hesitating to propose a Committee because Your Excellency has said that the mover of the Resolution should work on the Committee. I did not want to propose myself in any way when the question of a Committee arose. Personally, however, I am prepared to face it and would be glad to be of any assistance to any of the Princes; but if there is no suggestion forthcoming about the names I would be prepared to recommend, as His Highness the Maharaja of Dewas has suggested, that the Committee be appointed from all the Provinces. If that is agreed to, I will suggest the names of the Princes.

His Excellency the Viceroy:—I think it would be well if that were deferred till to-morrow. It is inadvisable that we should rush the appointment of a Committee without further consideration and as Your Highnesses will see there is a strong division of feeling, the opinion of the Conference being equally divided on the point.

The Conference was adjourned to the 24th January.

PROCEEDINGS OF THE FOURTH DAY.

24th January 1919.

Agendum I.—Item (1).

That, with a view to improve future relations between the Crown and the States, a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others.

His Excellency the Viceroy:—Your Highnesses,—The first item on the programme to-day is the discussion of the report of the Committee with regard to which we had some conversation in this Chamber yesterday. But, before we discuss this report, I should like Your Highnesses to understand our position in the matter. I gather that the recommendations of the Committee are by no means unanimous and that some uneasiness and friction is likely to be caused by the proposal to draw a dividing line between Princes with full powers of internal administration and the others. If this is the case, I can assure Your Highnesses that the Government of India would be very reluctant to recommend a proposal which would lead to this result, and if Your Highnesses, after careful consideration, feel that it would be better to drop for the present the idea of a dividing line and to constitute a Chamber of Princes and Chiefs which would be fully representative not only of the States with full powers of internal administration but also of the small Chiefships, the Government of India will, I have no doubt, be prepared to consider such a proposal favourably. I would therefore urge upon Your Highnesses to postpone the consideration of this matter until the next Conference and, inasmuch as there may be speeches made in connection with the Committee's report which may be regretted at a later time, I think it would be very much better to leave the whole matter over until the Government of India, in consultation with Your Highnesses, will be able to consider this whole question and we should be able to approach it from a new standpoint.

His Highness the Maharaja of Alwar:—Your Excellency, Your Highnesses,—To-day appears to be the fateful day when the issue that most of us have cherished in our hearts for several years past—namely, the establishment on a permanent footing of our Conferences which have now taken place for 3 or 4 years—is coming up for final decision. I am sure Your Highnesses realise the deep responsibility that lies before you. Events which by the mercy of Providence have been favourable to us in the past have led us to this important day when it is now finally in our own hands to decide whether we wish or not to fulfil the hopes that have been entertained for so long. Repeatedly in our speeches to His Excellency, both at the opening and close of the past Conferences, we have in very clear terms expressed the hopes that our Conferences would become permanent. His Excellency gave us sympathetic assurances on the last occasion. His Excellency has already outlined the progress of events since that time and I will not therefore indulge on Your Highnesses' time by repeating them before you at the present moment. The Committee's report was finally placed at the invitation of the Viceroy and the Secretary of State in their hands, and the sympathetic attitude of both with regard to the scheme is clearly evident from the manner in which these proposals have been dealt with in the Reforms Scheme Report.

We are now assembled to discuss, criticise and, I hope, finally support the Scheme, so that the Imperial Government may be pleased to recognise at an early date the establishment of our Chamber. While we have been most anxious that its establishment should not be unnecessarily delayed, I do not think it can be maintained that we are forcing the pace. How many an anxious night and days out of number have we not spent in giving thought to the details and in improving the general scheme until it has now been placed before you in a fairly concrete form.

It is impossible that in a public institution, where so many opinions are concerned, the results can be absolutely unanimous without a single dissent. It would be inhuman to expect this and, if the results did achieve this end, they would be more artificial than real.

I fully admit that the problem has produced many difficulties, of which, I hope, most have already been solved. Only one day ago we were placed in a situation of considerable perplexity in devising means that would cover all the important points involved, and there was a fear in the end of a deadlock being arrived at which might wreck—at any rate for the present—the possibility of a Chamber being established. The questions will come up presently *seriatim* for comments and criticism, but the only two points on which, I understand, there have been marked differences of opinion are :—

(1) that representation should be given to all the so-called States, estates, Feudatory Chiefs and guaranteed Chiefships, apart from the Sovereign Princes, by means of a proportionate representation in votes; and

(2) regarding the proviso in Resolution D—namely, that the recommendations for the relaxation of restrictions now imposed on the powers of the Rulers should be subject to the proviso that, before any commencement is made, full consideration should be paid to the representation of a State's rights over its feudatories.

Taking the first question into consideration, we have only to examine the list of such petty States—and, of course, I am here not referring to any States properly eligible to the position of Sovereign States—where we find at once a tremendous divergence as regards status, revenue, area, population, tribute and, last of all, powers. I have spoken so many times on the marked differentiation that exists in this heterogeneous mass of small pieces of territory classified under the name of Native States in India that I will not waste your time with any further elaborations on the subject. The question of the representation by one of their number would involve the inclusion of a person—one does not know of what status and position—sitting amongst the Sovereign Princes voting equally with them on important subjects. This presents before us the complication whether or not the Sovereign Princes, whose status, position, etc., are so distinctively marked from the possible arrival, would agree to sit in the same Chamber, and, if they did not agree to do so, we should be digging with one hand the Chamber's grave while with the other we were preparing its cradle.

The difficulty also faces us of drawing a suitable dividing line between these petty estates themselves and giving them a suitable proportionate representation according to their province which would be commensurate with their position. It is only in extremely few cases and perhaps only with regard to the definition of "one-third India" or "Native States" that their interests and those of the Sovereign States are identical. On the other hand it will be readily admitted that our interests in important matters are, in many cases, such as can never be treated on the same line with theirs. I refer here to matters such as Imperial Service Troops, telegraphs, railways, postal arrangements, questions of ceremonies and so forth.

The above are some of the reasons that guided our motives in drafting the Patiala scheme differently to that prepared *merely for the purpose of forming a basis for discussion in Bikaner*. I may add here that our opinions were also guided by the views and criticisms received on the subject from several Princes, which were afterwards incorporated in the opinions pamphlet prepared by the Committee last year.

In face of all these difficulties, I have personally always held the view that, in order to make a start, it would be wiser and safer to first establish the Princes' Chamber and to keep it exclusively for the Sovereign Princes only.

As regards the second point, I would like to make my own opinion very clear—namely, that I delight in the idea that other Princes, who are not so happily situated by virtue of very minor restrictions imposed by practice, etc., may under Resolution D reasonably look forward to be welcomed by us in our Chamber if, as we trust and recommend, the Government of India are pleased to give their cases favourable consideration. Such elevation or removal of restrictions, however, cannot prejudice or injure the rights of a State which can legitimately claim suzerainty over the other.

When the resolution D was drafted, and even afterwards, there was considerable variance of opinion with regard to the last sentence, and there arose a serious danger of the possibility of wrecking at any rate for a time the establishment of the Chamber which we all are so anxious to see recognised. It was happily discovered, however, almost at the eleventh hour, that the main bone of contention was due to the phraseology being unhappily worded which did not cover the main points of the case. Since then we have, I hope, arrived at a real satisfactory solution of the problem, and I shall propose when the resolution 'D' is put forward an amendment to the last sentence which, I sincerely hope, will remove all the difficulties that now lie before us. This amendment has already been placed in Your Highnesses' hands and I will not refer to it in advance: if the discussion on the remaining subjects is not affected by this point. I trust that it will meet with Your Highnesses' approval, and I sincerely hope that this fateful day may prove one of considerable importance in the future history of our existence.

In conclusion, I have only to say that I earnestly trust it will not become necessary for any reasons to have to abandon our scheme even temporarily and to revert to the possibility of having a mere Conference every year. Your Highnesses will probably have realised that, if the Chamber scheme is not adopted now, the difficulties that exist will not be automatically removed—for we should have to revert to Conferences where the same principle as exists at present is observed, namely, that only Princes with salutes of 11 guns and over are invited. This principle excludes even at present the representation of the so-called States, Estates and petty Chiefships from our Chamber, whose inclusion is advocated by some, while it does not solve the second difficulty *re* feudatories, which I need not repeat. With these remarks, I now close my general observations with the hope that our proceedings may meet with success.

His Highness the Maharaja of Patiala:—I support His Highness the Maharaja of Alwar's views.

His Highness the Maharaja of Gwalior:—In view of the importance of this subject, and though it may cause some disappointment to my brother Princes, I would beg of all to leave this question open till next November, which will give us ample time to consider and devise some means to bring this body together in a more happy state than at present.

His Excellency the Viceroy:—I think, Your Highnesses, the advantage of such a course would be this, that at the present moment, whatever Your Highnesses may carry at this Conference, it will still remain for the Government of India to express their views upon it. On the other hand, between now and November, it will be possible for the Government of India and Your Highnesses to get into close touch, one with the other, and devise a scheme by which we may hope that all the contending views in this matter may be reconciled. I think there is a great deal to be said for what His Highness the Maharaja Scindia has proposed just now, that we should allow this interval for consideration and reflection before we definitely decide on what the constitution of this Chamber should be.

His Highness the Maharaja of Dewas (Senior Branch):—I fully agree with His Highness the Maharaja Scindia's proposal in the light of the remarks so sagaciously expressed by Your Excellency. I think we have no other alternative or better course left than to support His Highness's proposal to postpone the matter to the next meeting.

His Highness the Maharaja of Kolhapur:—If all agree to the postponement, I will not object.

His Excellency the Viceroy:—It is impossible to know whether all do agree. At present all the indications I have had show that there is a considerable difference of opinion on this matter, and by next November we may be able to find whether there is some common issue on which all are agreed.

His Highness the Maharaja of Navanagar :—Your Excellency,—I understood this morning that the point on which there was a tremendous difference of opinion yesterday had been satisfactorily settled by an amendment which His Highness the Maharaja of Alwar is going to propose on the original resolution, and I also understood from His Highness the Maharaja Scindia that he was in favour of the amendment, so that the cardinal difference on principles which existed yesterday no longer exists to-day.

His Excellency the Viceroy :—How many of Their Highnesses have seen the amendment which has been proposed ?

His Highness the Maharaja of Alwar :—It is before all of them.

His Excellency the Viceroy :—When was it placed before them ?

His Highness the Maharaja of Alwar :—This morning.

His Excellency the Viceroy :—I think on an important matter like this it is most inexpedient for us to rush this question. It is of importance that Their Highnesses should have this amendment before them and give grave consideration to it and not have to deal with an amendment which has been given to them on the morning of the debate. I think it would be very rash if we proceeded in that manner. It is much too important a question to attempt to rush a decision, and I would earnestly beg Your Highnesses to consider whether we shall not get a much more satisfactory and final solution if we postpone consideration till next November, leaving the interval of time for consultation and consideration between the Government of India and Your Highnesses.

His Highness the Maharao of Cutch :—Does His Highness the Maharaja Scindia mean that the Chamber of Princes should not be brought into existence, or that the question of bringing it into existence should be postponed ?

His Excellency the Viceroy :—No. I think that his suggestion is that this Conference has had to consider several questions which are fundamental to the constitution of the Chamber of Princes. No one is against the proposal that the Chamber of Princes is to come. If Your Highnesses were to pass a resolution to the effect to-day that this Conference is in favour of the constitution of a Chamber of Princes, but that they would prefer to defer for the present moment the consideration of the exact form in which that Chamber should be constituted, we should at all events have passed a resolution in favour of the principle, but deferred consideration of detail till a later day.

His Highness the Maharao of Cutch :—Might I suggest respectfully, Your Excellency, that the items on the Agenda might be taken one by one with a view to ascertaining the general sense of the meeting ?

His Excellency the Viceroy :—At the present moment there is this motion before the Conference. If the Conference wish to proceed with the discussion of this matter, then of course we shall go through the report of the Committee item by item. If, on the other hand, the Conference wish to accept the Maharaja Scindia's resolution, then for the present the matter will be adjourned till next November.

His Highness the Maharao of Cutch :—I do not mean the report of the Committee, but the Agenda of the Conference ; whether we should not take the advice of the members of this Conference on each of the sub-items (1) to (8) of item I of our Agenda.

His Excellency the Viceroy:—May I ask Your Highness what exactly you mean, because as a matter of fact item I and sub-items (1), (3) and (4) have been referred to this Committee to report on. It is only those items that I would suggest should be deferred for consideration till next November.

His Highness the Maharao of Cutch:—I would respectfully urge that, now that all the Princes are assembled here, the advantage of their presence might be availed of to see what views they hold as to each item instead of shelving the discussion till next November.

His Excellency the Viceroy:—That is, you are against the resolution moved by His Highness the Maharaja of Scindia?

His Highness the Maharao of Cutch:—Yes, Sir.

His Highness the Maharaja of Patiala:—I support the view of His Highness the Maharao of Cutch.

His Highness the Maharaja of Alwar:—Has this resolution been moved by His Highness, or has it been based on Your Excellency's remarks suggesting the advisability of such a postponement? because I understand that no discussion has taken place at present, although Your Excellency has been pleased to think fit to advise the Conference that the matter should be postponed for the present.

His Excellency the Viceroy:—At present His Highness the Maharaja Scindia has moved a resolution; he has given the reasons why he has moved it, and that is the matter before the Conference at the present moment. *A resolution has been moved that the report of the Committee dealing with items (1), (3) and (4) should be adjourned till the next Conference in November.*

(The resolution was put to the meeting and lost.)

His Excellency the Viceroy:—We will now proceed to the discussion of the Committee's report.

His Highness the Maharao of Cutch:—The Committee have proposed "that this Conference recognise that a definite line should be drawn for the purposes indicated in Chapter X of the Report."

The proposal was carried unanimously in Committee. It will thus appear that there seems to be unanimity as far as the advisability of drawing a line is concerned, but I would respectfully urge for the consideration of Their Highnesses that the wording of the resolution might be in accordance with the draft on our Agenda, which is "that with a view to improve future relations between the Crown and the States, a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others."

I understand that the object of drawing this line of demarcation is to define more clearly the relations between the States that enjoy full powers and the Government, and the relations between States that do not enjoy such full powers and the Government; and also with a view to the Government of India laying down for their guidance a definite policy with regard to their relations with the larger States and the smaller States. Therefore, I respectfully submit that the wording of the resolution, as drafted by the Committee, may be rejected and the wording as before us on the Agenda be adopted.

His Excellency the Viceroy:—I must point out to His Highness that he is a signatory to this Committee's report, and it is quite impossible for a signatory to a report of the Committee to come into the Conference and suggest an amendment.

His Highness the Maharao of Cutch:—I understood, Your Excellency, that though we signed the report and accepted the decisions of the Committee, they were open to revision.

His Excellency the Viceroy:—Not by a member of the Committee, because Your Highness is a signatory to the report which was carried unanimously. You are a party to this particular report and it is quite impossible for you to come here and suggest, when you agreed to the decision of the Committee, that it should now be altered in the Conference. We should never get on with business. If any other of Your Highnesses would like to move that resolution, of course it is open to you to do so but not to His Highness the Maharao of Cutch.

His Highness the Maharao of Cutch:—I was given to understand that the reports of Committees were not binding to such an extent as to deprive the members of urging their views, in view of the further discussions that might take place in the whole Conference.

His Excellency the Viceroy:—Quite so, but Your Highness did not state in signing the Committee's report that you did not feel bound by all the recommendations of the Committee. But now after signing the report, to come to the Conference and dispute those conclusions is not a right thing to do. It is quite impossible for you, as a signatory to the report of the Committee, to come here and suggest an amendment now.

Sir John Wood:—With Your Excellency's permission I may explain the position. His Highness informed me, after this resolution had been carried unanimously, that he had doubts as to the wording, and I said that the Committee had passed this motion and that if he had any remarks to make about the wording of the proposed resolution to be passed by the Conference he should make them then. I did not mean to suggest that His Highness should himself propose an amendment to the resolution, but that he should be in order, I thought, to make some general remarks on the report.

His Highness the Maharao of Cutch:—That is exactly what I am referring to.

His Excellency the Viceroy:—Do I take it that item No. 1 of the report is carried?

Resolution 'A' reads "*that this Conference recommends that a definite line should be drawn for the purposes indicated in Chapter X of the Report.*"

Is that carried unanimously? There are no dissentient voices.

(The motion was put and carried.)

His Excellency the Viceroy:—Now we come to draft resolution 'B.'

"That this Conference recommends that the line of demarcation should be between (i) Sovereign States having full and unrestricted powers of civil and criminal jurisdiction in their States and the power to make their own laws, and (ii) all other States."

Carried unanimously, with the exception of His Highness the Nawab of Maler Kotla and the Chief of Sangli, who reserved their opinions.

His Highness the Maharaja of Alwar:—With regard to this point I would like to make it clear that, when the Committee moved this proposition, His Highness the Nawab of Maler Kotla and the Chief of Sangli raised objections reserving their opinions on the condition that the resolution 'D' was also carried. But as difficulties existed with regard to the last paragraph of resolution 'D,' which we hope have now been removed by an alteration of that paragraph, I hope that the proposal will meet with the approval of the majority.

His Highness the Nawab of Maler Kotla:—If resolution 'D' is approved and given effect to, then I have no objection to resolution 'B.'

The Chief of Sangli :—I reserve my opinion.

His Highness the Raja of Sitamau :—I am unaware of the intention of the Government of India, but if they are prepared to consider the removal of the restrictions, I shall be glad to support this resolution.

His Excellency the Viceroy (addressing Sitamau) :—Your Highness, of course, understands that there can be no guarantee given with regard to the removal of those restrictions.

His Highness the Raja of Sitamau :—In that case I cannot support this proposition.

His Excellency the Viceroy :—Then Your Highness must vote against this resolution. The resolution is :—

That this Conference recommends that the line of demarcation should be between (i) Sovereign States having full and unrestricted powers of civil and criminal jurisdiction in their States and the power to make their own laws, and (ii) all other States.

(His Excellency the Viceroy then put the resolution, which was carried.)

His Excellency the Viceroy :—Now we come to draft resolution 'C.' The resolution reads as follows :—

"That the Chamber of Princes shall consist exclusively of Sovereign Princes as defined above."

Carried by a majority, Their Highnesses the Maharao of Cutch and Maharaja of Kolhapur dissenting. His Highness the Nawab of Malerkotla and the Chief of Sangli reserved their opinions."

His Highness the Maharao of Cutch :—This question was discussed yesterday, and I have submitted my views on the subject as to why I think that the Chamber of Princes should not be confined exclusively to Sovereign Princes, and now I submit that the resolution may be framed as follows :—

"That the membership of the Chamber shall be open to (a) Princes enjoying full powers of administration, (b) remaining States in the form of representation by groups, provided that no State that is a feudatory of another State shall have representation in the Chamber."

My object in suggesting that the smaller States may be represented on the Chamber is that the Chamber will consider (1) questions concerning the Indian States, (2) questions of common interest to Indian States and British India, and (3) other questions of Imperial concern. It seems to me that it is not right to exclude a whole class of States from a Chamber that is to deliberate on questions that are of vital importance to Indian India, *i.e.*, to Indian States as a whole, and I would like to persuade Their Highnesses, my brother Princes, that in the Scheme which gives a constitution to the whole of India the smaller States should not be left out but should find their proper place in the polity of "Indian India." I do not entertain any fears that their inclusion under a system of representation will in any way prejudice the rights, dignity and privileges of the Sovereign Princes, for these are already secured to them by their inherent position, by their treaties and by their status as Rulers of autonomous States, and if the line of demarcation which we have just been discussing is drawn and the re-examination of the position with a view to improve the relations between the Crown and the Princes takes place, their position will be secure. I therefore strongly hold the view that the participation of smaller States in the consideration of interests which are of common concern will go more to strengthen the interests of Princes than to weaken them, and I hope that we may be able to avoid a policy which might create divisions between the smaller and larger States.

His Highness the Maharaja of Kolhapur :—Has Your Excellency any objection to the smaller States coming in?

His Excellency the Viceroy :—This is not a point on which the Government of India can give their opinion. This is a matter on which Your Highnesses are invited to express your opinions. I mean I am not prepared at present to give any opinion either way. Of course, I may warn the Conference that the Government of India may hold views which are diametrically opposed to those which are at present finding favour at the Conference.

His Highness the Maharaja of Kolhapur :—From Your Excellency's speech yesterday I understood that you wanted smaller Chiefs to come in.

His Excellency the Viceroy :—I wanted full representation, but what I want is the opinion of the Conference.

His Highness the Maharaja of Alwar :—Do Their Highnesses the Maharaja of Kolhapur and the Maharao of Cutch refer here only to Rulers of States or even to Estates which are not called States in the treaties as well as to Jagirdars and landholders and alluvial proprietors who are not called Rulers in any sense?

His Highness the Raja of Rajpipla :—In my opinion the Chamber of Princes should consist exclusively of Sovereign Princes and such other Princes who have ruling powers but with slight restrictions. It would be no use including all the six or seven hundred States and Estates or even representing them in the Chamber. For by doing so, the status and position of the Chamber would be sacrificed. It is also in the fitness of things that small States and principalities should not have any voice in shaping the policy or even in laying down or deciding general principles affecting the group of States who enjoy complete internal autonomy. It is only fair that States enjoying similarity of station and uniformity of power alone should have to deal with their own matters.

I trust His Highness the Maharaja Sahib of Kolhapur, who recommended yesterday the inclusion of the minor Chiefs, does not want the 700 of them to take part in the Chamber and thereby to have in effect the power to lay down the policy of the larger States. For the reasons stated above, I am also opposed to admitting representatives of those Chiefs who would not fall under the definition of Sovereign States given in resolution "B."

His Highness the Maharaja of Kolhapur's remarks about the Indian States covering one-third or so of the whole of India take account of these smaller bodies. But His Highness will remember, I hope, that there is a number of Sovereign States as defined here who would individually be greater than the entire group of these smaller States taken as one whole.

His Highness the Maharaja of Kolhapur further remarked yesterday that a large number of States, particularly those of the Bombay Presidency and Central India, who enjoy full powers would not be included in the group of Sovereign States, because they were feudatories of other larger States. Speaking on behalf of the Ruling Princes from the Bombay Presidency and particularly from Gujarat, I strongly deny that such a situation at all exists. I regret His Highness should have made such an unauthorised statement, and I will convince His Highness that the States in the Rewa Kantha Agency, to which I belong, and in other Agencies of the Bombay Presidency are not in the slightest degree feudatory to other States. Simply because one State makes monetary payments to another not infrequently for mere exchange of territory, the latter cannot be said to have feudal rights over the former. As clearly pointed out by Your Excellency in the opening speech, even payments in the shape of tributes should not establish the existence of feudal relations. The one proper test for a Sovereign State is whether on the whole it is at liberty to manage its own affairs without outside interference and whether it can make its own laws for such internal administration.

For these reasons I am strongly opposed to the idea of inclusion in the Chamber of Princes other than those who are Rulers of Sovereign States as defined here.

At any rate this ought to be the case at the outset. If after the Chamber is once established, it is deemed desirable to include others, the question can very well be considered at the time.

His Highness the Raja of Sitamau:—I am of opinion that all salute Rulers should be admitted to the proposed Chamber of Princes.

The Thakur Sahib of Limbdi:—Your Excellency,—I fear it was owing to His Highness of Kolhapur not clearly understanding our position that he made a statement to which I had occasion to object yesterday, and it is with a view to clear the air that I wish to put before Your Excellency some facts from history.

What is now called tribute paid by the Kathiawar Princes was in the olden days known as *mulakgiri*, collected by the Gackwar and the Peishwa with force of arms before the advent of the British in Kathiawar. Sir Charles Aitchison states clearly that the amounts of *mulakgiri* that were collected "were variable" and "were collected by a military expedition." "If," however, "a Chief settled with the Government before the army entered his estate, he was secure from oppression."

Thus, it will be clear to Your Excellency that the *mulakgiri* contributions by the Princes of Kathiawar were never fixed, but were always contested and the amount given varied inversely with the resisting power of the State.

The Bombay Gazetteer describes the feelings of the Kathiawar Princes regarding the payment of the tribute in these words:—"To a Chief the mere payment of tribute tended in no wise to derogate from his independence. His country had been won by the sword and was retained by the sword and not by acquiescence in the payment of tribute, so that if he could avoid this *extortion*, he was justified in doing so. If he weakened his State in resisting foreigners, he knew that his neighbours would certainly take advantage of the favourable juncture and annex his territory. It was his policy, therefore, after resistance up to a certain point, to succumb."

It was at this period, with the object of obviating the bloodshed and chaos that were consequential of *mulakgiri* expeditions and at the request of some of the Kathiawar Princes, that the British Government deputed Colonel Walker to Kathiawar. "The settlements made" by him "in 1807 were based upon the state of things existing at the time, and this is the period to which all inquiries in disputes regarding the lands or hereditary rights in Kathiawar are limited."

It would thus not be out of place to quote the views of responsible British officers of the time regarding our position. Sir James Carnac, Resident of Baroda, in his report in July 1814, says "the utmost of their submission being the payment (when exacted by the presence of an army) of tribute to obtain the forbearance of a Power whose goodwill it was an object to conciliate."

Mr. Diggle in his report appended to that of Colonel Walker's, dated 10th May 1804, describes the position of the *Girassias* thus:—"that considering their present situation towards the Honourable Company, as being the same as it was towards the former Government, they can be considered as nothing less than independent sovereignties, tributary to us, who have never been accustomed to look up to the superior power for protection, nor has that superior power ever considered itself as bound to protect."

Finally, to quote Colonel Walker about the position of Kathiawar States at the time of the settlement of 1807:—"The Kathiawar States are independent and at liberty to form connections with other powers. They are under no obligations of service and neither the Peishwa nor the Gackwar pretend to exercise an authority in Kathiawar beyond the demand of their respective contributions," which contributions were always demanded with force of arms and always as far as possible resisted.

His Highness the Maharaja of Kapurthala:—Your Excellency,—This country is divided politically into two main blocks—British India and the Indian States. The units that are ruled by Indian Rulers,

however small in area or otherwise unimportant they may be, are not and cannot be legally included in British India. The political institutions that exist in British India have no room for them. They are outside the scope of operation of the laws of British India and politically they are more akin to us than to the former. Therefore, if we declined to admit them into our Chamber they would be practically disfranchised so to speak. *Pro tanto* our claim to represent one-third part of the country would suffer in consequence. Our action would be not only undesirable on political grounds, but I think it would amount to the perpetration of an ostracism which we should find it hard to justify. Therefore, I would suggest the following composition of the Chamber :—

- | | |
|---|--|
| (i) All Ruling Princes— | } Individual representation. |
| (a) who enjoy hereditary salutes of 11 guns and over ;
and | |
| (b) all those who enjoy a full measure of internal autonomy and maintain Imperial Service Troops. | |
| (ii) Ruling Chiefs | } Representation by groups, geographical or otherwise. |

This arrangement, I believe, is likely to prevent unwieldiness without out-casting any of those who have every right to be represented on our Chamber, and I hope this will commend itself to the Government of India :

His Highness the Maharaja of Kolhapur :—Your Excellency,—I think the small States should be included.

The Chief of Sangli :—I support the Maharaja of Kolhapur.

Her Highness the Begum of Bhopal :—Your Excellency,—The recommendation that a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others was carried unanimously by the Committee appointed on Monday last to draft resolutions for the consideration of the Conference. For in the absence of such a line there is great danger of the Chamber becoming unwieldy, and difficulties are likely to crop up in consequence of too many lesser States coming in and acquiring equal voting rights with the full-powered States. The Committee has therefore recommended that the proposed line should separate Sovereign States exercising full and unrestricted powers of civil and criminal jurisdiction and the power of making their own laws. By a majority of votes the Committee decided, and in my humble opinion correctly decided, to confine the Chamber of Princes exclusively to full-powered Rulers.

In regard to the relaxation of restrictions on powers there was unfortunately a distinct cleavage of opinion in the Committee. For my part I do not agree with the proposal that the status of any particular Ruler of a small State should be enhanced only to make him eligible for the membership of the Conference. In my humble opinion the claims of such Rulers as enjoyed full power originally, that is to say when their States entered into treaty relations with the Government, but whose powers were restricted or curtailed subsequently, may well be considered favourably by Government. I do not, however, wish that the legitimate suzerain rights of one State over another should in any way be prejudiced by the removal by Government of any restrictions on its powers which are at present in force.

With the other resolutions drafted by the Committee I entirely agree.

His Highness the Maharaja of Gwalior :—I concur in the opinion expressed by Her Highness.

His Excellency the Viceroy:—Draft resolution "C" is the one we are discussing now. To this an amendment has been moved by the Maharao of Cutch:—

"That membership of the Chamber shall be open to (a) Princes enjoying full powers of administration, (b) remaining States in the form of representation by groups; provided that no State that is a feudatory of another State shall have representation in the Chamber."

This amendment will be voted on first. If the amendment is carried then resolution "C" will drop; if, on the other hand the amendment is lost, a subsequent vote will be taken as to whether resolution "C" should be carried. You will now vote for the Maharao of Cutch's amendment.

For 13.

Against 17.

The amendment is lost.

The resolution was then put.

For 12.

Against 15.

The resolution is lost.

His Highness the Maharaja of Navanagar:—I suggest for consideration that the resolution might not only be put in English but also in Hindustani, because some of Their Highnesses do not at times understand the resolutions.

His Excellency the Viceroy:—I am of opinion that it would be impossible to put the resolution in Hindustani because our proceedings have to be carried on in English. I quite appreciate the force of Your Highness's recommendation, but there we are.

His Excellency the Viceroy:—We now come to draft resolution "D," which runs as follows:—

"That the Conference would commend to the favourable consideration of the Government of India the relaxation of restrictions now imposed on the powers of a Ruler in cases where such restrictions are imposed by practice, usage or in pursuance of the terms of any treaty, sanad or engagement. The above recommendation is subject to the proviso that, before any enhancement of status is given, full consideration should be paid to the representations of any State possessing feudatory rights over the State affected."

This was carried by a majority, Their Highnesses the Begum of Bhopal, the Maharaja of Gwalior, the Maharaja of Navanagar, the Maharaja of Kolhapur and the Maharaja of Dewas (Senior Branch) dissenting.

His Highness the Nawab of Palanpur:—I propose the following amendment:—

"The removal of the restrictions on the powers of a State and its consequent admission to the Chamber as a member shall not in any manner or to any extent impair or prejudice the rights of any other State that can legitimately claim suzerainty over such State."

His Highness the Maharaja of Bharatpur:—I second it.

His Excellency the Viceroy:—These words are proposed to be inserted in place of the proviso *"that, before any enhancement of status is given full consideration should be paid to the representation of any State possessing feudatory rights over the State affected."*

(The amendment was put and declared carried.)

His Excellency the Viceroy :—I will now put the whole resolution to the Conference as it reads with the amendment :—

"That the Conference would commend to the favourable consideration of the Government of India the relaxation of restrictions now imposed on the powers of a Ruler in cases where such restrictions are imposed by practice, usage or in pursuance of the terms of any treaty, sanad or engagement. The above restriction is subject to the proviso that the removal of the restrictions on the powers of a State and its consequent admission to the Chamber as a member shall not in any manner or to any extent impair or prejudice the rights of any other State that can legitimately claim suzerainty over such a State."

(The resolution, as amended, was put and declared carried.)

His Excellency the Viceroy :—We now come to draft resolution "B," which reads as follows :—

"That Ruling Chiefs not entitled to sit in the Chamber should be represented, if they so desire, provided that they shall invariably be represented—

(a) where there is a Sovereign Prince in their province, by such Prince, and

(b) where there is no Sovereign Prince, by a Sovereign Prince of another Province."

Carried by a majority, His Highness the Maharaja of Cutch, His Highness the Maharaja of Kolhapur, His Highness the Maharaja of Navanagar and the Chief of Sangli dissenting.

His Highness the Maharaja of Navanagar :—Your Excellency,--The point of view I took in respect of this matter was this, that I do not think any other Ruling Chiefs or States outside the province would like to be represented by one of us because they may consider that their interests are not sufficiently guarded by those who excluded them from this Chamber. That is one point.

Secondly, the proposition seems to me rather ridiculous that we should take upon ourselves the choice of representing other people who had no say in the matter.

His Excellency the Viceroy :—Do you simply take the negative on this resolution or do you wish to propose an amendment ?

His Highness the Maharaja of Navanagar :—I am not in favour of this proposition. The matter of the representation of those who are left outside this Chamber is a matter for the consideration, I think, of the Government of India rather than of ourselves.

His Highness the Raja of Sitamau :—I agree with His Highness the Jam Sahib.

His Highness the Maharaja of Alwar :—I admit that at the time when this scheme was drafted, we did not all take pride in having drafted a resolution which was something that we could look upon as a masterpiece of policy or even of ingenuity to any very great extent. It was only an expedient for holding out our hands to the others for the time being if they wanted to have representation on any account in our Chamber of Princes. It was for that reason that this proposal was put in, but I agree that it hinges really on resolution "C," which Their Highnesses have voted against. So that now the happy position arises that they are against the composition of the Chamber of Sovereign Princes only. So it seems to me that the only question that arises now is whether the rest should be included in the Chamber without the Sovereign Princes by representation.

His Excellency the Viceroy :—That is the logical result of that vote which was passed just now.

His Highness the Maharaja of Alwar :—Therefore, I would propose for the earnest consideration of Your Excellency that the subject may be voted on again, although I am fully aware that under the unwritten laws of business by which this Conference is guided it is not right, perhaps, that another vote should be taken. I see that some of the Princes voted against resolution "C" because they were not certain of what the results would be of that resolution; but now that resolution "D" has been passed, it considerably alters the situation and, therefore, I would propose for the consideration of Your Excellency and Their Highnesses whether they would like to vote again on that subject or not.

His Excellency the Viceroy :—I am afraid that is out of order. We have considered resolutions "A," "B," "C," and "D" and we are now discussing resolution "E." It is open to Your Highnesses now to drop resolution "E" as it is in the air and has not got any solid foundation. That is another matter. In one sitting it is impossible to take three votes on one resolution. As I was uncertain as to the voting on resolution "C" just now, I put it twice to the Chamber in order that I might find out what the real feeling was, and it was only on the second occasion that I found that everybody was voting either on one side or the other and not on both sides.

His Highness the Maharaja of Alwar :—May I suggest as an alternative for Your Highnesses' consideration that as regards the composition, the suggestions may be put forward for consideration that the Chamber should consist of Sovereign Princes and any others, and, as regards the others, that the whole question should be placed in the hands of the Government of India for decision.

His Highness the Maharaja of Patiala :—I support that.

His Excellency the Viceroy :—I must point out again to Your Highnesses that the first portion of that matter has already been decided by the vote of this Conference. Resolution "C" was that the Chamber of Princes should consist exclusively of Sovereign Princes, and this Conference has said that it is not to consist of Sovereign Princes. Therefore it is impossible now on Resolution "E" to bring in what the Conference has already decided it should not bring in.

His Highness the Maharaja of Alwar :—By the vote that has been passed we have apparently placed ourselves in the ridiculous position of carrying by a majority the proposition that the Chamber of Princes shall not consist exclusively of Sovereign Princes, and we are now more or less in a dilemma to find a solution; resolution "E" is essentially based on resolution "C," because, unless Sovereign Princes are there, how are they to represent anybody at all? Although I personally feel, and I think others feel too, that there has been a difficulty at the time of voting in understanding exactly the point at issue, if Your Excellency has decided as a point of order that the Conference cannot rescind its own vote, which it has passed by mistake, then I propose that resolution "E" be dropped as the only alternative left before us now in view of the fact that resolution "C" has been defeated.

His Highness the Maharaja of Patiala :—I second it.

His Excellency the Viceroy :—I think you might explain what you have in view, supposing the Conference were to pass the omission of the resolution "E," and point out what should be substituted.

His Highness the Maharaja of Alwar :—Then I would propose as the only other alternative that the Chamber of Princes should consist (a) of Sovereign Princes and (b) such others as the Government of India may decide to include in consultation with the Princes.

His Excellency the Viceroy :—Now the first resolution put before Your Highnesses is that resolution "E" should be dropped and subsequently His Highness the Maharaja of Alwar will move the resolution which he has read out to Your Highnesses. Will those who are in favour of dropping the resolution kindly signify in the usual manner?

(The resolution was put and carried.)

His Excellency the Viceroy (addressing Alwar):—Now will Your Highness move the other resolution?

His Highness the Maharaja of Alwar:—The resolution I would propose is—

“that the Chamber of Princes should consist (a) of Sovereign Princes and (b) such others as the Government of India may decide to include in consultation with the Princes.”

Their Highnesses the Maharajas of Patiala and Gwalior, and Her Highness the Begum of Bhopal, seconded the resolution.

His Highness the Maharaja of Kolhapur:—I wish you to consider it on generous lines.

His Excellency the Viceroy:—The resolution before the Conference is *“that the Chamber of Princes should consist (a) of Sovereign Princes, and (b) such others as the Government of India may decide to include in consultation with the Princes.”*

(The resolution was then put and carried.)

Agendum I—Item (3).

(3) That a permanent Council of Princes should be established.

His Excellency the Viceroy:—We now come to item (3) of Agendum No. I *“that this Conference warmly approves the establishment of a permanent Council of Princes as described in paragraph 306 of the Report.”*

His Highness the Maharaja of Dewas (Junior Branch):—Our relations with the British Crown being permanent and God willing for all time to come, it won't any longer do for us to pursue the policy of isolation, and with a view to reap the maximum of mutual advantage we must concentrate our energies on bringing into being an organic confederacy and maintain it. That such an institution is necessitated by modern conditions everybody must admit. But I am of opinion that the Rulers of the self-governing States alone, for reasons already shown under item I (2) of the Agenda, can rightly form its component units. And I have not the least objection if the body is increased by the advent of those at present non-self-governing after being clothed with the insignia of self-government.

I am further of opinion that this is a matter which must receive, according to existing Parliamentary Statutes, His Majesty's sanction. I would have preferred the expression “The League of Princes” or “Cabinet of Indian Princes” to that of any other so far suggested. But I am not very particular as to the name, provided our treaty rights are left intact and unimpaired. I may make it clear that the Viceroy would preside over our deliberations.

As self-governing States are ultimately and primarily connected with the British Crown, one important function of the Council would be to return one of its own or one of its representatives either by selection or election to sit as a member of the Imperial Conference or Cabinet at London. This is a right which they would dearly prize as constitutionally belonging to them.

His Highness the Maharaja of Kapurthala:—For a long time past the need has been felt both by the Government of India and a large body of the Ruling Princes for a more intimate and personal exchange of views between them on matters relating to the Indian States or of interest to them and British India jointly. The perception of this need, though comparatively faint at the time, found a concrete expression in Lord Lytton's proposal to create an Imperial Privy Council. The idea was further developed by later Viceroys in one shape or another but failed to materialize. A definite advance was, however, made when His Excellency Lord Chelmsford invited the Princes in 1916 to a Conference to assist the

Government of India with advice on certain matters affecting their own rights and the interests of their States and, subsequently, assured them of his intention to repeat the invitation annually during his own Viceroyalty. It was natural that the advantages that accrued mutually from these annual gatherings should arouse a general desire for the perpetuation of the institution. This desire was intensified by the imminence of the changes in the constitution of British India foreshadowed in the Secretary of State's historic pronouncement of the 20th August 1917. The interests of the two halves of India being closely interwoven it was keenly realized that unless the Princes possessed a permanent organization strong enough to ensure the protection of the rights, privileges and prerogatives guaranteed to them by treaties, engagements or *sanads*, the contemplated democratization of the Government of British India might in course of time affect them adversely. This reasonable standpoint was placed before His Excellency by the Princes in their address at the last Conference and received a sympathetic response. Accordingly, a Committee of Princes evolved a scheme which earnestly advocated early establishment of a Chamber of Princes. It is a matter of deep satisfaction that the suggestion has been adopted by the illustrious authors of the Indian Reforms Report. There are, however, a few observations that I would venture to offer in this connection :—

Firstly, I would strongly urge that the organ we are proposing to create should not supplant the direct transaction of political business between the Government of India and the individual States. The Chamber should be designed to supplement and not to abolish the existing practice of individual consultation on matters of importance.

Secondly, I would point out that the designation provisionally adopted in the Report would scarcely be in keeping with the character of the proposed organization or with the dignity of its would-be members. I do not consider it necessary to digress into an etymological analysis of the term 'Council,' but I have no hesitation in expressing my decided preference for the more distinguished name of "Chamber of Princes."

The membership of the Chamber should, in my opinion, be entirely voluntary and it should be as widely and thoroughly representative as possible, without becoming too bulky.

His Highness the Maharaja of Navanagar:—The usefulness and utility of the Indian States to the British Empire has long since been demonstrated.

Lord Canning remarked after the Mutiny as follows :—

"These patches of Native government served as a breakwater to the storm which would otherwise have swept over us in one great wave."

Lord Curzon also remarked :—

"The Native States are no longer detached appendages of the Empire but its participators and instruments. They have ceased to be the architectural adornments of the Imperial edifice and have become the pillars that sustain the main roof."

Lord Morley in July 1906 remarked in the House of Commons :—

"I sometimes think we make a mistake in not attaching a weight we ought to these powerful Princes as standing powers in India. It is a question whether we do not persist in holding these powerful men too lightly."

Lord Lytton also said :—

"The Indian Chiefs are not a mere 'noblesse'; they are a powerful Aristocracy. To secure completely, and efficiently utilize, the Indian Aristocracy, is, I am convinced, the most important problem before us."

In order to secure the full co-operation of the States they must have a defined share in the administration of the country and to give them that share there must be some recognized organization of the States or Princes.

It was Lord Hardinge who took the first effective steps to bring the Princes together as a corporate body for purposes of consultation and advice. The annual Conferences have been of value inasmuch as they have

enabled the Princes to express their views freely and frankly to Government on matters affecting their interests. They have also afforded opportunities of coming into closer association with His Excellency the Viceroy and the Government officials, and of exchanging views with them and with one another.

Their educative influence also is great. The Conferences were first confined to a discussion of matters affecting the States exclusively. Their scope has been subsequently extended by including among subjects for deliberation those which relate to the Indian States and the British Government in common. The Princes expressed a wish to place these Conferences on a constitutional basis with defined powers, and the Committee of Princes appointed to frame a Scheme have recommended that a Chamber of Princes should be formed. This recommendation has been accepted by Your Excellency and Mr. Montagu in the Report which is the subject of consideration in this Conference.

Unless a permanent consultative and advisory body like the assembly of Princes is brought into existence there is a likelihood of the interests of the Indian States not being fully and adequately considered from all points of view. Only one pertinent instance will illustrate the point. The change in the opium policy of the British Government has seriously affected the revenue of some of the Indian States. Not only were the States most affected not consulted but they first learned that a part of their revenue was to be destroyed through the newspapers.

There are several matters which affect the Indian States and British India in common. For instance, currency legislation, extradition rules, and so forth. The establishment of an assembly of Princes would enable the Government to consult the Chamber before undertaking any legislation affecting their interests and this would be of great benefit to the States.

Moreover unless there is such a constitutional body it would not be possible to associate its members or their representatives with the members of the State Council which is proposed to be called into being in the Report on Constitutional Reforms.

I would therefore strongly support the recommendation regarding the constitution of a Chamber of Princes both in the interests of the Indian States and of the British Government. Its further development may be left to times and circumstances.

The question of its composition, I suggest, may be decided in accordance with the report of the Committee appointed on the 20th January to consider and formulate the proposal for drawing a definite line separating the Rulers with full powers of internal administration from others.

I am glad to notice that the proposal of the Committee of Princes that in the absence of the Viceroy one of the Ruling Princes will preside has been adopted in the Report.

There is no provision in the Report as to the manner in which the proposed Chamber of Princes should be recognised, nor is there any reference as to the powers and functions of the Chamber. I trust that the recommendations regarding these matters made by the Committee of Princes will meet with the approval of Your Excellency and Your Highnesses.

As attendance and voting are to be voluntary and as each State represented in the Chamber will nevertheless retain the right of separate negotiations with Government, there is not the remotest chance of any State suffering through its Prince becoming a member of the Chamber.

His Highness the Maharao Raja of Bundi:—It is very gratifying to know that the closer and closer association of the Princes with the Paramount Power is desired, which is sure to result in mutual benefit. The formation of a Council of Princes is indeed desirable so as to advise the Government in matters connected with them. The observation of the eminent authors of the Report that "there are questions which affect the States generally and other questions which are of concern either to the Empire as a whole or to British India and the States in common upon which we conceive that the

opinion of such a body would be of the utmost value," leaves no doubt for apprehension of impairing the interest of any individual State by the majority of the opinions of those Princes who have no idea and experience of the rights and customs of the State concerned or of the real sentiments of its subjects which can well be ascertained by communication to that State through the proper channel. The procedure of conducting the affairs of the Council should be framed by the Viceroy after consultation with the Princes. The President should be the Viceroy only. The designation of the Council should be such as may indicate its connection with the Crown.

His Excellency the Viceroy:—The draft resolution proposed by the Committee runs as follows:—

(a) *That this Conference warmly approves the establishment of a permanent Council of Princes as described in paragraph 306 of the Report ;*

(b) *That this Conference recommends that the term "Narendra Mandal" or Chamber of Princes be adopted as the designation of the proposed body.*

(The resolution was put and carried).

Agendum I—Item (4).

"That the Council of Princes should be invited annually to appoint a small Standing Committee."

His Highness the Maharaja of Navanagar:—The Committee of Princes have proposed the appointment by the Council of Princes of an Advisory Board. The authors of the Report have accepted that recommendation. The existence of such a Committee will undoubtedly be a help to Government, for there is no means at the disposal of Government at present to obtain reliable information from persons who from their own knowledge and experience may be in a position to give an authoritative opinion on matters of custom and usage and other important subjects.

To the Indian States also it would be an advantage, as any decision arrived at by Government on subjects of vital importance to them would be based on authentic materials obtained from reliable sources. The proviso that no reference will be made to any such Committee without the concurrence of the Ruler of the State whose interests are affected, sufficiently safeguards the wishes of any Ruler who may be opposed to the Standing Committee. The distinguished authors of the Report mention that the Committee should be annually appointed whereas the Committee of Princes recommend that the appointment should be for a specified period. I should think that the same person or persons may be eligible for appointment as often as the Council of Princes think fit.

The appointment need not necessarily be of a member of the Council of Princes. This will leave sufficient scope for the appointment of a respectable and competent outsider who may be willing to place his services at the disposal of the Government of India.

The Committee of Princes have proposed that the Advisory Board should be competent to initiate questions affecting Indian States either of its own accord or on the suggestion of the Chamber of Princes for the consideration of the Political Department of the Government of India. Paragraph 307 of the Report is quite silent on this point.

This proposal was intended to benefit the Princes by the vigilance of the Advisory Board, who by virtue of their greater opportunities of acquiring information and familiarity with the merits of any important question affecting the interests of Indian States would be in a better position to move on behalf of the States. The right step taken at the proper time would be a means of saving unnecessary hardship and trouble. I therefore trust this Conference will carefully consider this point.

I need hardly say that the constitution of such a Board will inspire confidence in the decisions of Government, will also be a help to Government and will be a means of timely safeguarding the interests of the Indian States.

His Highness the Maharao Raja of Bundi:—I generally endorse the proposal of appointing a Standing Committee by the Council of Princes to advise the Political Department of the Government of India. It is gratifying to see in the Report that the interests of the Indian States are amply safeguarded when the authors of the Report say that "no reference affecting any individual State would be made to the Committee without the concurrence of its Ruler". It is very difficult for a limited number of Chiefs and Ministers to have perfect familiarity with the differing treaties, rights, prerogatives and customs of the States and the sentiments of their people, and so it is necessary for the members of the Committee to fully consult the States concerned before giving any advice to the Political Department of the Government of India in their connection.

His Highness the Maharaja of Kapurthala:—The proposal to establish a Standing Committee of the Chamber has my full support. I am glad to find it clearly laid down that no question would be referred to the Committee without the concurrence of the Ruler or the State concerned. The discretion proposed to be allowed to the Chamber to appoint either Princes or Dewans or Ministers to the Committee is a sound step.

His Highness the Maharaja of Dewas (Junior Branch):—I am of opinion that the Standing Committee, instead of being small, must consist of Dewans, Ministers or Members of Council, one each on behalf of the self-governing Rulers, retiring every year, with a permanent Secretary to be appointed by the Princes' Council. The Political Secretary may refer to the Secretary any matter whereon the Viceroy would require the advice of the Princes' Council. The Standing Committee will go through the matter and circulate its opinion among the various self-governing Rulers in time so as to enable the latter to formulate their opinion in their full Council presided over by the Viceroy. The Standing Committee will have the Political Secretary as its Chairman.

His Highness the Raja of Rajpipla:—In my opinion there ought to be some provision for representation of the Madras and Bengal States in the Standing Committee. Also there should be a definite restriction to the powers of the Committee to co-opt additional members.

As regards the function of the Committee, while I approve that they should have a voice in framing the agenda of the Chamber of Princes I deprecate the idea that matters relating to the affairs of Indian States should be referred to them for advice by the Viceroy or the Political Department. The proper function of the Committee would be to render assistance in framing the agenda and in collecting evidence on questions of custom and usage as regards Indian States that might be referred to them and in placing such evidence before Government with their opinion. As assured by the Montagu-Chelmsford Report, no reference affecting an individual State should be made to this Committee unless the State itself so desires.

The term of each Committee should be restricted to two years.

His Highness the Maharaja of Alwar:—The only reason why I dissented from the position laid down in the resolution was due to the fact that I thought it was not necessary to bind the hands of future Standing Committees by making them entirely provincial. I would therefore advocate that each Conference, which would be responsible for electing the Standing Committee, should for the time and during that particular year decide the principle as to whether representation should be provincial or otherwise. In any particular case which concerned any province whose representative was not on the Standing Committee, the Committee should have powers to co-opt or to ask the assistance of other members from the province concerned or from the particular State concerned with whose case they may be dealing at the time.

His Highness the Maharao of Cutch:—My objections, Your Excellency, were precisely on the same grounds as those which have just been explained by His Highness the Maharaja of Alwar.

His Highness the Maharaja of Kolhapur:—A standing Committee is necessary to keep up continuous work as it crops up. Such an organization is useful in watching all the various questions as they arise. The usefulness will be much increased if, instead of only replying to the matters referred to the Committee, they have also the power of initiating questions for the consideration of the Council of the Princes and the Political Department of the Government of India.

The *personnel* of the Committee will have to be carefully selected, and it must have on it some experts on Indian Political Law, customs, usages and practices, who also must have sound knowledge of international law. The appointment of second rate men will not only reduce the usefulness of the Committee, but even be a cause of misunderstanding, which may create a feeling against the Council of Princes.

His Excellency the Viceroy:—I will read the resolution to the Conference.

"(a) that the Conference are in favour of the appointment of a Standing Committee;

"(b) that the Standing Committee should consist of not more than five members to be appointed by the Chamber, inclusive of the Secretary, who would be ex-officio member. That the Committee should contain one representative each from the four divisions of Bombay, Central India, Rajputana and the Punjab. That the Committee should have powers to co-opt additional members;

(c) that the functions of this Standing Committee should be to advise the Viceroy and the Political Department on matters referred to it by the Viceroy regarding the affairs of Indian States, and that the Committee should be competent to initiate questions affecting Indian States generally or of common interest to India as a whole, either of their own accord, or at the direction of the Chamber of Princes, for the consideration of the Viceroy;

(d) that the agenda for the Chamber of Princes should be decided in consultation with the Standing Committee."

(The resolution was put to the vote and carried.)

Agendum I—Items (5) and (6).

- (5) That where the Viceroy thinks this desirable, Commissions of Enquiry should be appointed in regard to—
 - (a) the settlement of disputes between the Government of India or any Local Government and a State, or between one State and another, and
 - (b) the decision of cases where a State is dissatisfied with the ruling or advice of the Government of India or of any of their local representatives;
- (6) That when questions arise of depriving the Ruler of a State of his rights, dignities and powers, or of debarring from succession a member of his family, they should always be referred to a commission to be appointed by the Viceroy to advise him.

His Excellency the Viceroy (addressing Alwar):—Will you now present the report on items 5 and 6 of the Agendum No. I?

His Highness the Maharaja of Alwar:—I take the liberty of presenting to the Conference the report of the Committee appointed on the 23rd January which recommends the following draft resolutions for the consideration of the Conference.

DIRECT RELATIONS BETWEEN THE GOVERNMENT OF INDIA AND
NATIVE STATES.**Agendum I—Items (5) (a) and (b).***Draft Resolution A.*

Resolved that a recommendation should be made that His Excellency the Viceroy, before rejecting the request of any party for a Commission of Enquiry, should invite the opinion of the Standing Committee on this point; and that, when the request comes from both parties, it should be favourably entertained.

That in order to distinguish this form of enquiry from that proposed in paragraph 309, the Commission proposed in paragraph 308 should be called a Judicial Commission.

Agendum I—Item (6).*Resolution B.*

(a) That it should be made clear that the party concerned on the names of the proposed Commissioners being intimated to him would have the right of challenging the nomination of any of the Commissioners, this right to be exercised only once;

(b) that the machinery proposed should not be put in motion if the Ruler of the State concerned himself prefers the question to be decided by the Government without a Commission of Enquiry.

His Excellency the Viceroy:—The first resolution reads:—

“That a recommendation should be made that His Excellency the Viceroy, before rejecting the request of any party for a Commission of Enquiry, should invite the opinion of the Standing Committee on this point; and that, when the request comes from both parties, it should be favourably entertained.”

That in order to distinguish this form of enquiry from that proposed in paragraph 309, the Commission proposed in paragraph 308 should be called a Judicial Commission.”

(The motion was put to the vote and declared to be carried.)

His Excellency the Viceroy:—Resolution “B” reads:—

“(a) That it should be made clear that the party concerned on the names of the proposed Commissioners being intimated to him would have the right of challenging the nomination of any of the Commissioners, this right to be exercised only once;

(b) That the machinery proposed should not be put in motion if the Ruler of the State concerned himself prefers the question to be decided by the Government without a Commission of Enquiry.”

(The motion was put to the vote and declared to be carried.)

Agendum I—Item (7).

“That as a general principle all important States should be placed in direct political relations with the Government of India.”

His Highness the Maharaja of Alwar :—The question under discussion is one of vital importance to the States, for the policy of the Government of India filters through in its practical application to us through its political representatives accredited to our Courts. Matters of Imperial interests as well as those concerning the happiness and well-being of the Princes and States reach us and Imperial Government through these channels.

We have realised from past experience that any complicated machinery of super-agents one above the other leads to delays and has not been unknown to lead even to misunderstandings. While several of the States are in direct political relations with the Government of India, the correspondence in other cases passes through two intermediaries, and by the time it reaches its destination at the Imperial Capital or on the Olympic heights of Simla, the picture is coloured and painted by several masterly and artistic hands.

Such political appointments which are the mouthpiece of the Imperial Government have the very delicate task—as said by Lord Minto in his speech at Udaipur—of not only being the means of communicating the policy and principles of the Government of India to the States but also of apprising the Imperial Government of the aspirations and views of the Princes concerned. Thus the harmonious working of the scheme is greatly a matter of personality. The picking of right pegs for the right holes is as necessary as it is the avoidance so far as possible of the picking of holes only !

We are grateful to the Imperial Government for their changed policy since the viceroyalty of Lord Minto which has been the happy augury for drawing closer the Indian States with bonds of goodwill and affection with the Imperial Government, who wield the destiny of India. This policy has been happily continued during the régime of Lord Hardinge and Your Excellency, and he would indeed be a feeble-hearted person who did not warmly respond to the prevailing sentiment.

It is a particular pleasure to me to publicly acknowledge the friendship which has been extended to me by several of the distinguished agents who have been accredited to my Court, and I only make this personal reference because of the fact that my motives may not be misunderstood when I begin to suggest what changes should be made for the future with regard to the political relations of the States. I do this with the principal aim of improving further if possible the personal relations which are a great factor in such cases as well as effecting the quicker despatch of business, which is always so essential for good administration.

I would like to fully endorse the remarks made in the Reforms Report *re* the Indian States in paragraph 310, namely, that “as a general principle all important States should be placed in direct political relationship with the Government of India and we feel that the necessity of communicating with the central Government through two or even more intermediaries is an obstruction to good understanding and a great obstacle to business.” Three alternatives are laid down in the proposals :—

- (1) Where the authority immediately subordinate to the Government of India is an Agent to the Governor-General the choicelies between abolishing the post of the local Political Agent or Residents, while transferring their functions to the Agent to the Governor-General with an increased staff of assistants.
- (2) Abolishing the post of the Agent to the Governor-General while retaining the Residents accredited to States or groups of States.
- (3) In other cases instead of abolishing either the posts of Agent to the Governor-General or the Residents where both officers exist, the Residents of particular States might be allowed to communicate direct with the Government of India, sending a copy of such communications to the Agent to the Governor-General for his information.

The third alternative, if I may say so, appears to be cumbersome and would appear to place the Agent to the Governor-General in a somewhat anomalous position as he would either be behind hand in representing his own

views to the Government of India if he desired to do so, or else the Government of India would have to wait for his views before deciding the question transmitted to them by the Residents, thus automatically doing away with the advantage of quick despatch and the necessity of having only one intermediary to deal with.

I therefore now take the first and the second alternatives and am personally in favour, for my own Province, of having Residents accredited to the Courts of the States by means of separate groups. This, however, I agree to with the proviso that the Residents are placed in independent British territory such as Ajmer. The advantages of having Residents for each group imply quicker despatch of business than it would be possible with an Agent to the Governor-General with several Assistants, where the papers would have to again filter through several hands. The Political Officers of such groups would also be more readily available for giving advice to a State when it was found necessary or when it was invited than it would be possible if the responsibility lay only on one person's shoulders.

The personal factor, as I have already mentioned above, is the principal consideration in the question of political relations, and one officer accredited to the State is more likely to achieve this end. The proviso I have made, however, is very important and the reason for my including it in my remarks is that it is only human for a Resident stationed in one particular State to be influenced by personal considerations in cases of interstitial disputes which could be avoided if he was stationed in neutral territory. An additional advantage in the scheme would be that, say for instance in a place like Ajmer, if all the four or five Residents of different groups of States were stationed there, they could frequently meet each other and exchange views regarding general questions. And at the same time they would have more society of their own to move in, which is not always available at the headquarters of a State. If, however, this proviso cannot be accepted by the Imperial Government, the only alternative is to accept the proposition of dealing direct with the Agent to the Governor-General and abolishing the appointments of the various Residents. In this connection, however, it is important to realise that, so far as possible, the Agent to the Governor-General should himself visit the different States when necessary in place of deputing his Assistant. We must avoid the possibility of junior Assistants at Abu taking the place of present Residents and thus defeating the objects of the scheme.

As this question was of vital importance, I have thought it fit to record my opinions, but as far as the general question of direct political relations is concerned, while I cordially endorse the principle, it will have to be thrashed out in relation to each Province separately, and I would wish that it be done in consultation with the Princes who will be vitally concerned. After further discussion has taken place I would propose a resolution for consideration on the following lines :—

"(1) That this Conference readily endorses the general opinion expressed in Chapter X of the Reforms Report relating to Indian States regarding the principle of placing all important States in direct political relationship with the Government of India and that, so far as is possible, all States, enjoying Sovereign Powers and salutes of 9 guns and over be placed in such relationship.

(2) That in deciding the question in relation to each province the subject should be worked out by the Imperial Government, in consultation with the Princes of the Province concerned, who may be invited to give their views in their own provincial conferences which may be convened for the purpose."

Your Excellency, on this subject His Highness the Maharaja of Bikaner has also written his views, and while I would not like to take up the time of the Conference any further with my own remarks, as His Highness's views have perhaps not been circulated to all the Princes and at any rate not all have read them, it would not be out of place for me to read a few of His Highness's remarks on this important subject. He says that :—

"Both in the Imperial interests as well as for the happiness and well-being of the Princes and States the placing of the Princes, and at least the bigger Chiefs also, in direct relations with the Government of India and of thus

reducing the number of intermediaries is one of the most urgent and crying needs of the day. Not only, as has been pointed out in the Report, is the present system of communicating through these intermediaries an obstruction to good understanding and a great obstacle to business but it makes it also practically impossible to ensure uniformity of policy and of dealing.

Indeed, until the existing system is changed, the risk of undue interference in the internal affairs of the States will never be satisfactorily safeguarded against. Although the Local Governments and officials will naturally not like the idea, the step *has to be taken sooner or later*, because, if for no other reason, yet as is pointed out in the Report, the growth of responsibility in Provincial Governments will render it undesirable that the relations with the Indian States should be matters of provincial concern and I would, therefore, venture earnestly to urge that the question should be tackled and solved now—and solved in a broad and statesmanlike manner without any undue regard to sentiment or past precedent. I would in this connection ask for permission to quote the following remarks which General Smuts made in his speech at a luncheon given by the Empire Parliamentary Association in the spring of 1917, while speaking about the future constitution of the Empire:—

‘Do not try to think of existing political institutions which have been evolved in the case of European developments. The British Empire is a much larger and more diverse problem than anything we have seen hitherto, and the sort of constitution we read about in books, the sort of political alphabet which has been elaborated in years gone by, does not apply and would not solve the problems of the future. We should not follow precedents, but make them..... I am sure if we disabuse our minds of precedents and pre-conceived ideals we shall evolve, in the course of years, the institutions and machinery that will meet our difficulties.’

I would further beg to urge that at least all Princes, great and small, exercising Sovereign powers and those with salutes up to 9 guns should be placed in direct political relation with the Government of India. There appears to be no reason to anticipate why any difficulty be experienced in extending the benefits of this proposal, not only to the Bombay but also to the Madras, Bengal, Punjab and United Provinces Princes. The States in Madras are so advanced that the absence of a knowledge in the Government of India Political Officers of the local vernaculars would be hardly worth taking into account.

This leaves the States which, though supposed to be in direct relations with the Government of India, have yet to communicate through both their local Political Officers as well as Agents to the Governor-General. I cannot speak for Baluchistan, where circumstances may be different, but in regard to the important and numerous States in Rajputana and Central India it can clearly be said that they are still at the same disadvantage as those in Provinces with Governors and Lieutenant-Governors at the head of their respective Local Governments. Thus it is no less essential that the Princes in Central India and Rajputana too should have only one step through which they should correspond with the Government of India.

The next question is whether the Agent to the Governor-General should be retained and the Residents now accredited to the States abolished, or whether the post of the Agent to the Governor-General should be abolished and the Residents retained. I would submit that only one of these two alternatives should be considered for the Rajputana and Central India States. His Excellency the Viceroy also clearly had only these two alternatives under contemplation when, during the Informal Meeting in February 1918, the Princes present were asked by His Excellency for their individual views on one of these two alternatives.

I would respectfully submit that to my mind the third alternative, proposed in paragraph 310 of the Report, as to retaining, in other cases, both the Agent to the Governor-General and the Resident but of authorising the Residents of particular States to communicate direct with the Government of India, while

sending a copy of such communications to the Agent to the Governor-General for his information would in practice not be found really to work satisfactorily and is bound to end in a reversion to the present system and inevitably to lead to interference by the Agent to the Governor-General. It would make the position of the Princes as well as of the Political Officers accredited to their Courts an extremely difficult one and would also detract both from the position as well as the discretionary powers of the Political Officers.

Moreover, what is desirable is a *permanent* arrangement in the interests of the Princes and the States *as a whole* and not a temporary arrangement made to suit the personal convenience, or for the lifetime, of a particular Ruler.

Reverting, however, to the first two alternatives, I originally held that the post of the Agent to the Governor-General should be abolished, and my idea was that Rajputana, for instance, should have four Residents, with higher rank and status and enhanced emoluments than is the case at present, who should be the intermediaries between certain groups of States and the Government of India.

Thus, whilst the Political Department would lose one prize appointment, there would be four bigger appointments instead in Rajputana. If necessary, such Residents would have one or more Assistants under them. The States of Rajputana, and similarly of Central India, would thus be placed in the same advantageous position as those of Hyderabad, Mysore, Baroda and Kashmir.

Such Residents should, moreover, not have their headquarters in any of the States to which they are accredited but in independent British territory.

It may perhaps be urged against the above proposal that a central authority is required to co-ordinate the policy and to carry out the views of the Government of India. In reply it seems sufficient to say that, if no such difficulties are experienced in regard to Hyderabad, Mysore, Baroda and Kashmir, there is no reason to anticipate any unusual difficulties if there are four such officers instead of one, say, in Rajputana.

At the Informal Meeting in February last at Delhi I, however, thought that the other alternative might perhaps be the easier of solution and I, therefore, on that occasion decided ultimately to vote for abolishing the Political Officers and retaining the Agent to the Governor-General in Rajputana.

After reconsidering the question during the past 10 months, I would venture to record my more mature and emphatic opinion, for what it is worth, that it will be far better to retain the Political Officers on the lines which I have attempted to sketch above and to abolish the post of the Agent to the Governor-General. I am convinced that, in the long run, this will not only be the best, but the only satisfactory arrangement and one least likely to create friction and difficulties.

Moreover, one of the many drawbacks of retaining the Agent to the Governor-General would be that, with the correspondence coming from so many States, he would be unable to give matters the necessary personal attention. This, I fear, will, in the long run at any rate, end in his various Assistants being assigned work and assuming duties which will, at least approximately, even though not exactly, correspond with those of the present-day Political Officers, with merely this difference, that they will be located at the headquarters of the Agent to the Governor-General, instead of their present headquarters.

That this is not an imaginary drawback will appear to be supported by what Sir John Wood also outlined at the February Meeting as printed in the last paragraph on page 10 of the Digest of the Proceedings of that Meeting. The result eventually would be that the Princes and States would still have two intermediaries to negotiate with. Also with so many States to deal with, it would hardly be possible for the Agent to the Governor-General to visit all the States each year, and whenever necessary oftener in the year. It will also inevitably lead to the Agent to the Governor-General deputing his Assistants—sometimes only junior officers—to visit Princes and States either at his desire or at the wish of the latter.

With Political Officers accredited to groups of smaller number of States there will be more intimate knowledge, friendship and association and more senior Political Officers to deal with, and thus, in the long run, more harmonious relations and more satisfactory and prompt work and results.

As regards the apprehension expressed by Sir John Wood that, if Political Officers accredited to groups of States dealt direct with the Government of India, they would not be in such a commanding position to advocate the interests of the States, I would state that, in the first place, no such difficulty is apparently experienced in the case of the Hyderabad, Mysore, Baroda and Kashmir States and, secondly, that with my suggestion that the rank and status of such Residents should be enhanced, the difficulty will further entirely be got over.

As is stated in the Joint Report with reference to their being no insurmountable obstacles in overcoming the difficulties in cases where the territories of Indian States and British Provinces intersect, so I feel positive that with the sympathetic support of His Excellency the Viceroy and the goodwill of the Political Department no insurmountable difficulties would really be experienced also in the way of abolishing the post of Agent to the Governor-General and retaining groups of Political Officers on the lines sketched above.

In Rajputana specially there would appear to be no such difficulty, and in regard to Central India perhaps any difficulties could fairly easily be overcome by perhaps appointing one senior officer with one or more assistants to deal with the cases of the mediatised Chiefships and guaranteed Thakurs.

Some arrangements will in either alternative have to be made presumably to relieve the Agent to the Governor-General in Rajputana of the heavy judicial work which he has at present to carry on; whilst the Commissioner in Ajmer, under the direction of the Political Department, could without difficulty deal with the business relating to the Mayo College.

Before concluding my remarks on the subject, I would also venture to submit that the duties and functions of the Political Officers accredited to individual States or groups of States should be clearly defined and so regulated as to conform to the original intention, *viz.*, those resembling the position of an ambassador so far as the Sovereign States are concerned, while in respect of the smaller States the Political Officers' position should be revised and defined in view of the altered present-day conditions as has been urged in the outlines of the scheme and recommendations of the Princes' Committee. His Exalted Highness the Nizam also refers to this in his note dated the 1st December 1917. This is further supported by what has been written by the Marquess of Hastings in his private journal as long ago as 1814 which has already been quoted in paragraph 26 of this note.

Whilst on this subject I would finally beg to propose that His Excellency the Viceroy may be pleased to direct that such terms, in common with other loose official terminology, which has now come into vogue, as are frequently used in communications to Political Officers and even conveyed in that sense to the States themselves, as "under the jurisdiction of", "under your political control", "under your political charge", "under the Rajputana Agency", etc., etc., should no longer be used as they do not correctly represent either the duties of the Political Officers or their relations with the Princes as the accredited Agents of the British Government to their Courts. Similarly it would appear the term "Rajputana Agency" or calling a Residency after the name of the State is also incorrect. The geographical nomenclature of such States might more correctly be referred to by Province rather than by Agencies, such as the Province of Rajputana or of Central India; or in the case of Residency or Political Agency by the name of the States such as the Western Rajputana States or the Haraoti States instead of the Western Rajputana Agency or the Haraoti Agency.

Your Excellency, Your Highnesses, I am afraid I have taxed your patience to-day, in reading out these two long statements, but I hope you realise, and I am sure you do realise, the importance of the occasion which has caused me to do so. I feel great pleasure in the fact that my views on the subject severally

coincide on most material questions with those of my distinguished friend His Highness the Maharaja of Bikaner.

His Highness the Maharao of Cutch :—Your Excellency,—I was going to propose that a short resolution might be passed, that it is resolved that this Conference recommends that, as a general principle, all important States should be placed in direct political relations with the Government of India, but His Highness of Alwar has to some extent anticipated and amplified the resolution which I was about to propose.

His Highness the Maharaja of Navanagar :—Your Excellency,—With Your Excellency's permission I propose to offer a few observations on the important subject now before us. I need hardly recall the fact that two years ago, during the session of the Princes' Conference in 1916, the Ruling Princes of the Presidency to which I belong presented to Your Excellency a joint note conveying our earnest request that we may be directly connected with Your Excellency's Government. We mentioned in that note that the advantages of sharing the uniform policy with our brother Princes having direct relations with Your Excellency's Government were so evident that it would certainly be a privilege and a distinct benefit to us if our request was granted.

When the Committee of Ruling Princes was considering the subject of Constitutional Reform foreshadowed in the announcement of August 1917 in its bearing on the position of Indian States, this question came up prominently in their deliberations, and formed the subject of one of their principal proposals in the final scheme presented to Your Excellency and Mr. Montagu in February last. We are grateful to Your Excellency and the Secretary of State for the fact that our recommendation and its reasons have been thoroughly appreciated and adopted in the Report. I have only to quote a few sentences from the Report to show that the difficulties and anomalies of the present arrangement have met with a very clear and emphatic recognition from Your Excellency and Mr. Montagu.

The paragraph that I wish to bring to Your Excellency's notice has already been read by His Highness the Maharaja of Alwar, so I will not inflict the same on you again, and will only quote where it goes on further to say : "We have already laid stress in our Report upon the need in domestic affairs for dividing matters of all-Indian from those of provincial concern. Now, on general grounds, the relations between the States and Government are clearly a matter for the Central Government; and where this principle has been departed from, it has been on grounds of history or convenience. It seems to us that the changing conditions of the time afford strong reason for affirming the principle, both because the institution of a Council of Princes will give greater solidarity to the views of the States, and also because the growth of responsibility in provincial Governments will, to some extent, unfit them to act in political matters as mere agents of the Government of India."

It is thus a matter of deep satisfaction to us that the necessity for transfer is not only accepted, but the incompatibility of the present provincial arrangement is clearly recognised on grounds of principle as well as policy governing the relations of Indian States with the Paramount Power.

It remains for us now to ask for a very early redress of the present anomalous arrangement, and while doing so I would venture to make a few observations to make clear and emphasize the need for prompt steps in this direction.

We, from the Bombay Presidency, have been urging the necessity of this reform for the last two years; and we have listened to Your Excellency's remarks in the opening address the other day, with our ardour somewhat chilled, and with some impatience, which, considering the disadvantages we are labouring under at present, has more than a fair share of justification on our side. My personal relations with three successive Governors of Bombay and with most of Their Excellencies' Agents have been most cordial and friendly and I wish to acknowledge this fully and gratefully. But I cannot help feeling

as a result of my personal experience that in some of their methods the Bombay Political Department do not display the same breadth of view and liberal-mindedness of spirit in their relations with the Bombay Princes as is to be found in those of the Government of India in respect of their dealings with the Princes who have direct relations with them. I will leave it to my other colleagues to say what their own experience in the matter is.

I would like to preface my remarks with one important observation. We feel that the Provincial Governments will be naturally averse to lose their diplomatic and political connection with the States at present placed with them. They might justify this reluctance on the ground of loss of prestige which the severance will involve, or on any other ground of which we are not aware. But may I state one thing? Their inclination or opinion ought to have nothing to do with the principle that ought to govern the determination of the question before us. The decisive consideration should be, what is the best possible arrangement, from the view-point of the interests of the States? With the differentiation of provincial interests under the Reform Scheme, and the evolution of responsible autonomies in the provinces, the only arrangement possible is that of placing—and that, may I say, immediately—all important States with the Imperial Government.

It is hardly necessary to observe that questions relating to the Indian States are finally decided by the Government of India. The intermediate stages through which they have to be brought to the Government of India only prolong the proceedings and cause an unnecessary expenditure of time and labour. Moreover, the Government of India, not being at present in close touch with the States under Local Governments, there is a great possibility that essential points, which could only be thoroughly understood by a direct knowledge of individual circumstances and traditions, would be missed, for the reason that the Imperial Government would naturally rely on reports from Provincial Governments, without themselves going into those matters directly. The result would be that injustice would unwittingly be done to a party and unnecessary dissatisfaction would be caused. The chances of access to the highest authority in such cases are so rare and negligible, that it would be safe to assert that there is no opportunity to the parties concerned to thoroughly explain and remove any misapprehension regarding points of vital importance arising in the case. Pertinent instances, if wanted, could be cited in illustration of this. Such difficulties would be removed to a great extent if all important States are brought into direct relations with the Government of India.

There is another reason: The liberal spirit and broadness of view engendered by habitual dealings with large and important questions, and in the free atmosphere of the Indian Government in touch with the inspiring influences of the Home Government, result in the adoption of a policy of a liberal nature towards States in direct relations with the Government of India. Provincial Governments, by the very nature of their subordination and the narrower sphere in which they have to move, are open to influences of a kind not very congenial to the production of such a liberal spirit: thus, the important States under Local Governments are at a disadvantage, and do not get in some cases the benefit of the liberal policy of the Government of India. It is therefore essential that all important States should be placed, as early as possible, in direct relations with the Government of India, in order that they may get full advantage of principles formulated for the benefit of Princes in relation with the Government of India. In this connection it may also be borne in mind that unless the authority laying down certain broad principles and the authority bringing such principles into force are the same, much of the effect of such principles disappears in the different spirit of interpretation in which such principles are sometimes read by the subordinate local authority to which is committed the responsibility of bringing them into operation. I may also observe that when all important States are brought into direct relationship with the Government of India, their Rulers will have an access to Your Excellency and frequent opportunities of acquaintance and friendship with members of Council and of the Political Department. This association will create a spirit of sympathy, goodwill and friendship which smoothes many difficulties

and results in mutual confidence and respect, thus giving greater solidarity to the relation of the British Government and the Princes. There will further result a spirit of co-ordination and brotherhood among the Princes. When all important States have direct relations with the Government of India uniformity in their treatment will be brought prominently into view, the false impression which their subjects and others entertain as to there being some difference in the dignity and prestige of those Princes who have direct relations with the Government of India and of those who have not will be entirely removed, and the Princes and the members of their families will meet together on the same social level, resulting in the disappearance of some undesirable customs arising from the false notion of inequality of position.

It is not unimportant to point out here that the false notion of inequality of States, which has arisen from some of the important States having relations with Local Governments only, is also countenanced by the fact that the cadre of the Political Officers accredited to such States has been considered by so high an authority as the Governor of a leading Province—only to be refuted by the Secretary of State—as of a somewhat lower grade than that of those who are under the Government of India: what wonder then that the same view be taken by ordinary subjects?

It may also be mentioned that these Political Officers under the Local Government have to deal with several rulerships "which range from States with full autonomy over their internal affairs to States in which Government exercises, through its agents, large powers of internal control and even down to the owners of a few acres of land. Uniformity of terminology tends to obscure distinctions of status; and practice appropriate (to further quote the Report) in the case of lesser Chiefs is inadvertently applied to greater Princes also." It thus appears clear that, to counteract this undesirable levelling process, all the important Princes and States should be brought into direct relation with the Government of India.

There is another and very strong reason why this change should take place without delay. As I said before when urging much speedier action in this direction, the introduction of Constitutional Reforms in British India will bring about an important change in the relations of the Indian Princes with the British Government; and what may not have been imperative before will become so when these reforms are introduced; and it will be incumbent to place the important States into direct relationship with the Imperial Government. The Reforms Scheme aims at making the provinces into self-governing units held together by the Central Government and as the Report says "on general grounds the relations between States and Government are clearly a matter for the Central Government." The Provincial Governments as newly constituted will have absolutely nothing to do with the Indian States. The democratization of the provincial units, aimed at in the Report, will incapacitate the Provinces from realising and safeguarding the interests of the States. Moreover, after the provinces have been given their autonomy the Central or Imperial Government will deal only with matters of common concern to the provinces. In such matters, the Indian States will also be interested. It is not unlikely that these States, while retaining autonomy in internal matters, may like to come into association with the Central Government in consideration of the problems of common concern in company of the representatives of the provinces. In the future, therefore, the relation of Indian States could only be with the Central Government. The only condition of co-ordinate development, thus, is this, that the Indian States, specially the important ones, should have direct relations with the Government of India, and not with the Provincial Governments.

One important result of this change will be that Your Excellency will be pleased to honour, we hope, all these States with your visits. Such visits, may I point out, besides raising the prestige of the State in the eyes of its subjects and others, will furnish opportunities of studying closely and gaining first-hand knowledge of the progress of the State, and of the wishes and wants of its Ruler, which will be of great use in facilitating solution of important questions regarding the State in a spirit of sympathy, and also in obtaining a

proper perspective as to the importance of the State visited, in comparison with the States in other parts, which, owing to favourable circumstances, have been fortunate in being placed on a somewhat higher pedestal with regard to dignities, honours and *issat*.

The next question is, what States should be considered "important States" which should have direct political relations with the Government of India. So far as Kathiawar and Gujarat are concerned, the States which are called "First Class States" according to a peculiar classification existing there will automatically be included in the new arrangement on account of their plenary powers of jurisdiction. The question will arise as to what are known as "Second Class States" in those parts. If there be any technical objection to their being included in the list of those Princes for whom this change is proposed, it would be right and proper to enhance their status to an extent that would remove the difficulty. As Your Lordship has very rightly observed in your important address on Monday last, the number of guns for the salute is no safe criterion of the position of the States: and I may bring it to the notice of this Conference that the Kathiawar States were so unknown, or speaking correctly, were so inadequately represented by their Local Government, in the past, that they obtained a place on the salute list only in 1865 or 1867. I remember one amusing incident in this connection. I could have urged it as a ground—and a very solid ground—for taking us out of provincial into the Central Government at once. I could also have urged it as an illuminating instance of the oblivion some of us might say—to which we are treated by our own Government at times. The incident I refer to occurred in the sixties and seventies of the Victorian era and my authority for it is one of the Agents to the Governor, who related it to me. A question arose in the House of Commons as to where Kathiawar was: the Parliamentary reply was—and an authoritative reply it was, of course—that it was a morass in Central India. To the next question, as to who inhabited it, tragically for us, the Right Honourable Member replied "Wild asses." So much for the representation which we received from our own Government in the highest quarters in those days. But I was going to say that the Rulers of the Second Class States belong to ancient and distinguished houses, with traditions and historical achievements not inferior to those of some of the Princes who have direct relations with the Government of India.

The next point for consideration is, what should be the channel of communication between the Government of India and these States. Speaking of Kathiawar and Gujarat, at present there are Political Agents for the Prants and over them are the Agent to the Governor in Kathiawar, and the Commissioner of the Northern Division in Gujarat. It would not conduce to efficiency or to despatch of work if communications have to pass through both these channels. One channel would do equally as well as, if not better than, two. If this is conceded, then there will have to be a choice as to whether there should be a Resident or an Agent to the Governor-General. One Agent to the Governor-General will not be able, single-handed, to cope with the work of so many States. He will require the help of Assistants who, though somewhat junior in rank to Political Agents, will practically be in the position of such Political Agents. The Agent to the Governor-General will not be able to visit all the States as often as would make him sufficiently familiar with the circumstances of each State. Perhaps the best solution therefore would be, in my humble opinion, to have two or more Residents for the Kathiawar and Gujarat States having direct relations with the Government of India. Each Resident may deal with so many States as would be sufficient to keep him engaged. We hope the Residents will be senior Political Officers under the Government of India, their rank and status are likely to be, or should be, sufficiently high for them to be in a fit position to advocate the interests of the States they represent.

I am afraid I have taken too much of Your Excellency's time, but the importance of the subject invited a full statement of the reasons which impel us to request Your Excellency to take early steps for effecting the transfer, so that it will be one of the many achievements of Your Excellency's brilliant

Viceroyalty and will mark a good step forward in advancing the interests of the States which have not the good fortune to enjoy direct relationship with Your Excellency's Government.

His Highness the Maharaja of Dewas (Junior Branch) :—According to my view of the matter, the importance of a State, from a theoretical and constitutional standpoint, does not and ought not to depend upon its area, wealth, ancestry, revenue, salute or title, but upon the independence its Ruler enjoys in his internal Government, in other words upon its Ruler being a full power Ruler. This is the key to a solution of the above question. In this world whatever our theories, considerations of wealth and all the rest above described do weigh a great deal in estimating one's importance, and but for the constitutional difficulty, I too should have agreed to views similarly.

Without yielding one inch in my respect for the Ruler of a very big State in India, I am constrained to point out the fact that until quite recently the State was being ruled on an instrument of transfer, and, with all that, its relations were all along direct with the Government of India. And the report itself goes on to point out an instance of a small State also dealing with the Government of India through a Resident. In the instance I have quoted, the anomaly was set right by basing the Ruler's relation on a treaty.

My only point is, therefore, that only the full power Rulers, the same as the Rulers under a treaty, should have direct relations with the Government of India. The only question is whether each of such States should have a Resident. I raise this question particularly, because in Central India there are many States which have their relations defined under a treaty or engagement. Some of them are small, very small indeed, in income and area too, but, nevertheless, are treaty States whose Rulers are enjoying full powers. I for one would agree to the Agent to the Governor-General being a common Resident for a group of treaty States for each of which the Government of India would find it difficult to provide a Resident. I am further of opinion that the Residents attached to full power States either individually or in collections should all have a uniform status and rank.

While in the case of all those Rulers who do not enjoy full power or whose States are not treaty-made, convenient groups may be formed of them with due regard to local conditions and approximity, and a Resident of the Second Class or Political Agent of a status in keeping with the dignities of the States concerned in each charge may be attached to each of them. Where any such States lie within the orbit of the high dignitaries of the Crown such as Governors, Lieutenant-Governors, Chief Commissioners, I am emphatically of opinion that the said States should come into direct relations with the said high dignitary through a Political Secretary of the status above described. If this latter suggestion is found inconvenient and inconsistent with the ultimate duty that devolves upon the Government of India of superintending foreign or political relations, then the one preceeding this may be adopted. But this is a matter which does not concern me, and I should be understood as doing no more than offering a mere suggestion to be developed and discussed more fully by those who are not self-governing.

His Highness the Maharaja of Alwar :—I have pleasure in proposing a resolution which, I believe, will be whole-heartedly supported by the whole Chamber, and that is that His Excellency may be moved to adjourn the House for lunch.

His Excellency the Viceroy :—We will now adjourn till 3 o'clock. But I must warn Your Highnesses that the business has got to be finished to-day and I shall sit from 3 o'clock until we do finish it.

(The Conference then adjourned.)

(After re-assembling.)

His Highness the Maharaja of Kolhapur :—At the time of my visit to Your Excellency and the Hon'ble Mr. Montagu in February

last, I had already given my opinion in my note whether there should be an Agent to the Governor-General or a Resident and whether the number of intermediaries between the Viceroy and the Princes should be reduced or not. The view I then held I still stick to. I should prefer an Agent to the Governor-General who should have his headquarters in British territory, such as Poona or Belgaum, from where he could take a bird's-eye view of the States in political relations with the Government. There should be one Agent to the Governor-General for Kolhapur, Southern Mahratta Country and Satara Jagire. The Resident at the Darbar is considered higher than the Chief by the people of the State. When the Resident lives in the State, there sometimes arise differences of opinion between him and the Chief on small points. The beginning is small, but I can say that in many places it leads to dangerous results. Moreover, there is not sufficient work for one separate Resident for each individual State.

The Chief of Sangli :—Your Excellency,—I most heartily support the proposal embodied in item (7) of Agendum No. I. This is a proposal which all of us hail with delight who have the interests of the Indian Empire at heart and who aim at the political advancement of Indian States. No measure is better calculated to create a spirit of union and co-operation amongst the Rulers of Indian States and Government than the one under consideration. Loyal to the core as the Ruling Princes and Chiefs are to the Crown, it is likely that a feeling of local and sectional patriotism for their own States may at times obscure their true perspective of the Imperial sentiment and their sense of national brotherhood and unity. Their present condition of comparative isolation, both territorial and administrative, and the absence of direct contact with the Imperial Government tends to accentuate the same insular feeling. The Ruling Princes and Chiefs of the Indian Empire must be made to feel in a more real and direct manner than has hitherto been practicable that they are a part and parcel of the Indian polity. With a view, therefore, to prevent the tendency to such a feeling of isolation on the part of the States and to secure a better mutual understanding between Government and the Feudatory India, and to inspire the Ruling Princes and Chiefs with a true sense of the identity of their interests with those of Government, it is essential to bring the Ruling Princes and Chiefs into a close and corporate contact with the Imperial Government, more especially in view of their present generous policy towards the whole of India, feudatory or otherwise. Such a closer union will contribute in no small measure to our own enlightenment and elevation and will tend to widen the range of our view and will give us a real sense of pride in the Imperial partnership.

His Highness the Nawab of Palanpur :—Your Excellency,—After His Highness the Maharaja Jam Sahib's able speech, there is hardly anything for me to say, but I venture to add a few remarks on the question under discussion. As coming from the Bombay Presidency, I might be pardoned for urging much speedier action in effecting the transfer, for which Your Excellency will remember the Bombay Princes present in Delhi placed their collective request before Your Excellency during the session of the Princes' Conference in 1916. The opinion in favour of such a change was not formed in a spirit of dissatisfaction at the existing arrangement or owing to a desire to break away from the Provincial into the higher sphere. It was based on a careful balancing of advantages and disadvantages of either form of political relationship. The obvious reasons of the suggested change appealed to the Committee of Ruling Princes who sat last year to consider the problem of Reforms in connection with Indian States. And we were highly gratified when we found from the Reforms Report that Your Excellency and Mr. Montagu were pleased to accept the principles which many of us from Bombay have been strongly advocating since 1916. As I said before, there is nothing personal in this desire. My relations with the Government of Bombay are of the most friendly character. But the advantages of sharing a uniform policy and of having fewer intermediaries in our dealings with the Paramount Power are so obvious, that there can be no other motive for such a desire.

But there is a far stronger reason, which I may be permitted to point out did not exist in 1916 when we first asked for the change. The announcement of the 20th August 1917 and its honoured offspring—the Reforms Report—were not then dreamt of. We did not know that the provinces were going to have greater autonomy and a more distinct existence. Now that big changes are in the air and it is not unlikely that provincial autonomy might come at any time, it becomes vital for us that we should be placed with the Central Government. Thus the change is not merely a matter of administrative expediency, but I may be permitted to say is one of necessity as well.

May I further observe that in these times of swift movements aided by science, the inconveniences of distances become almost negligible; whereas our position in the higher atmosphere which unquestionably belongs to the Supreme Government will be immeasurably improved.

Before concluding my remarks, I would like to be permitted to express a hope that the transfer may be put into effect and also be thoroughly established during the distinguished term of Your Excellency's viceroyalty which has been fruitful of so many good things for India and her sons. His Highness the Maharaja of Navanagar has put our case so ably and fully that there is hardly anything more for me to say but to support His Highness whole-heartedly.

His Highness the Maharaja of Cutch:—Your Excellency,—As regards the precise nature of the arrangement for establishing political relations between the States and the Government of India, I do not wish it to be understood by my being silent on the subject that I have nothing to say. I do not think it is necessary at this meeting to trouble Your Excellency with details as to what I would propose for Cutch. Cutch is a province by itself; it is neither a bit of Kathiawar nor a bit of Gujarat; it is a neighbouring province of both. I would only like to bring to Your Excellency's notice that I have definite views to place before Your Excellency, which I shall do in due course. I do not wish it to be understood from my silence that I have nothing to say.

His Highness the Maharaja of Dhar:—I wish merely to say that personally I have received great benefits from the Political Officers.

His Highness the Raj Sahib of Wankaner:—I heartily endorse the view which His Highness the Jam Sahib has so ably expressed on the resolution.

His Highness the Maharaja of Kapurthala:—I wish to make it quite clear at the outset that I am not at all dissatisfied with the system by which the political business of my State is at present transacted with the Government of India, but should that Government deem it advisable to assume direct relations with such of the Punjab States as are equal in importance and status to my State, *e.g.*, Jind and Nabha, it would be my natural desire that identical treatment should simultaneously be accorded to the latter (my State).

In that case I would prefer to deal with the Government of India through one intermediary only and would suggest that the more important States of the Province: Patiala, Bahawalpur, Jind, Kapurthala, Nabha, Malerkotla, etc., might be divided into two groups, each group having a separate Agent to the Governor-General. The prestige of these States and the smooth and expeditious working of the new machinery would demand that the sole channel of communication between them and the Government of India should be a senior Political Officer of such a high rank and status.

His Highness the Nawab of Malerkotla:—I am strongly of opinion that all Indian States should be placed in direct political relations with His Excellency the Viceroy. The question regarding the establishment of direct Political relations between the States and the Government of India is one of the most important items we are called upon to discuss. It is clear that in such relations the existence of unnecessary intermediaries is certainly a hinderance to good understanding. Also considering that autonomy of British Provinces is a settled principle it is most desirable that matters of all-India concern be divided and separated from those of mere Provincial concern.

And further, considering that the growth of democratic institutions would make the Provincial and even the Central Government in course of time responsible to the people of British India, it appears to me necessary that the Indian States should be placed in direct political relations with the Viceroy. This would avoid and obviate any possible difficulties and reassure the Indian Rulers that constitutional changes in British India will not directly affect their rights and privileges.

To regulate the course of Political relations I think a scheme such as I am mentioning may be safely adopted :—

- (a) There are already some States which are in direct Political relations with the Viceroy through their Residents. It will not be necessary to disturb such arrangements. Indeed the principle could be extended to a few other States where circumstances would not render such extension otherwise objectionable. Residents will communicate direct with the Political Secretary to the Viceroy and may be designated as Agents to the Viceroy instead of Residents.
- (b) All other Ruling Princes of India with a salute of 9 guns and upwards who now have relations through Local Governments or Agents and other States of importance should have direct Political relations with the Viceroy through agents to be styled as "Agents to the Viceroy"; these States may be divided in a suitable number of territorial groups, and placed under a separate agent with a suitable number of assistants and secretaries. The headquarters of such agents and their staff and assistants to be in British Cantonments or towns. The staff of such agents, however, should not be more than may be absolutely necessary so that they may have ample work.
- (c) The remaining Indian States not included in classes (a) and (b) mentioned above may be divided into four or five circles, each circle to be placed under a separate agent to the Viceroy. These circles may be constituted so as to include a suitable number of States in each circle.

Each circle may be divided into a suitable number of groups; each group will comprise a number of States which will be placed under an Assistant who may be stationed in his group.

Any arrangements on the lines mentioned above will possess all the merits that can be desired. The relations will become more direct than at present. The agency dealing with Princes up to 11 guns and other important States will be separated from that dealing with Chiefs. Again, this arrangement will also secure complete separation of the Indian Principalities and Chiefships from the executive and administrative authorities of British Provinces and there will be no fear of constitutional changes and measures of the Provinces being in any way forced on the States. The arrangement also has the invaluable merit of preserving and promoting the solidarity and union of the Order comprising the Indian Princes and Chiefs.

His Highness the Maharao Raja of Bundi:—If the present arrangements are thought objectionable due to the reasons explained by the authors of the Reforms Report, I generally endorse the proposal of the scheme.

The Thakur Sahib of Limbdi:—I also heartily endorse the view expressed.

His Highness the Maharaja of Dhrangadhra:—I agree.

His Highness the Maharaja of Gwalior:—Your Excellency,—I expressed my views on the subject in February last, so I do not wish to add anything more on the subject. As far as Gwalior is concerned, I should like to say that I should wish to be put in direct communication with the Supreme Government.

Her Highness the Begum of Bhopal :—I would also like to be in direct communication with the Government of India.

His Highness the Maharaja of Patiala :—I expressed myself in favour of the general principle at the informal meeting held in February last when Your Excellency and the Secretary of State were present. With regard to the actual way in which the principle can be worked out, I think the best plan would be to refer the question to provincial or similar groups who would confer with the Local Governments and give expression to their views collectively. The conclusions thus arrived at will help the Viceroy in coming to a final decision.

The Raja of Bariya :—I warmly support the Jam Sahib in his views.

His Highness the Raja of Sitamau :—I am quite satisfied with the present arrangements.

His Excellency the Viceroy :—The resolution before the Conference is that put by His Highness the Maharaja of Alwar; it takes precedence of the resolution of His Highness the Maharao of Cutch. I think it really covers the same ground.

His Highness the Maharao of Cutch :—I think so. The object is the same.

His Excellency the Viceroy :—The resolution is—

(a) *that this Conference cordially endorses the general opinions expressed in Chapter X of the Reforms Report relating to Indian States regarding the principle of placing all important States in direct political relationship with the Government of India, and that, so far as is possible, all States enjoying Sovereign powers and salutes of 9 guns or over be placed in such relationship; and*

(b) *that in deciding the question in relation to each Province, the subject should be worked out by the Imperial Government, in consultation with all the Princes of the Province concerned, who may be invited to give their views in their own Provincial Conference which may be convened for the purpose.*

(The motion was put to the vote and declared to be carried.)

Agendum I—Item (8).

“That means should be provided for joint deliberation between the Government of India and the Princes on matters of common interest to both.”

His Highness the Maharaja of Kapurthala :—In the past the Indian States were seldom, if ever, consulted by the Government of India on matters vitally affecting them and British India jointly and decisions were arrived at without reference to their wishes or their particular standpoints. This state of things was manifestly unsatisfactory. It must be admitted, however, that in recent years a change for the better has been visible in this respect. But it has hardly been carried to such an extent as the importance of our interests demands. We have absolutely no desire to encroach on the affairs of British India, but we are equally anxious that no arrangements, likely to affect us, should be effected *ex parte*. I deem it unnecessary to embark on a detailed enumeration of subjects of common concern, but that a large number of them could be placed in this category no thinking person would deny. Hence it is exceedingly gratifying to see that a machinery for joint deliberation between the Princes and the Representatives of British India has

been suggested in the Reforms Report, as a fitting corollary of the other and preceding proposals. The lines along which it is intended to advance in this connection are conceived in a cautious and statesmanlike spirit, and are, to my mind, in the present circumstances of our country, thoroughly sound and appropriate. It would be hazardous to force the pace artificially.

His Highness the Maharao Raja of Bundi:—I generally endorse the proposal with a proviso that representatives for joint deliberation with the Council of the State should be the ministers of the States recommended by the Council of Princes.

His Highness the Maharaja of Kolhapur:—The accepted position which the Princes have taken with regard to the British Indian Legislature, as stated by His Highness the Maharaja of Baroda, is as follows:—“As we have clearly stated last year, we have no desire to encroach upon the affairs of British India any more than we want outside interference in the affairs of our own States and ourselves. It is hardly necessary, therefore, to repeat that we have no desire to claim a voice in the settlement of any matters other than those relating to ourselves and our States or which are of Imperial or common concern.”

The position thus taken up by the Princes has made the question of co-ordinating matters of common interests between British India and the Native States very difficult. So far as the affairs of the States are exclusively concerned, the problem is simple, as the Indian Legislatures have nothing to do with the Native States, and the States in their turn can keep themselves quite aloof of British Indian affairs. But in matters affecting “the Native States and British India in common or the Empire” the question is different. In these cases the States have been accepting what was so long the decision of the Government of India, though it might have been communicated through the Political Department. The Railway policy, the Telegraph and Postal system, the opium question, trunk roads, major irrigation schemes, tariff, defence of the country, and several other obligations have been accepted by the States. The acceptance might have been incorporated in the treaties or agreements, but the policy in the formulation of which the States have had no hand has been accepted. What we want henceforth to be done is that the States should have a voice in the formulation of it hereafter. There seems to be a mixing up of ideas in thinking that the States are absolutely by themselves in all matters, and not only in matters of internal affairs. This is only a statement in other words of the accepted position of “union and co-operation.”

If the right of the States to be heard in matters of joint concern is admitted, it is not likely to be regarded as a substantial advance to say that the Viceroy may arrange for the joint deliberation “when he thought fit.” What the Princes claim is that they should necessarily be heard, and heard effectively in all such matters.

The resolutions of the Council of Princes are to be only advisory. Let us see if this advice is likely to be effective. I look at the question from the peculiar position in which the Viceroy will be placed hereafter. The ordinary Indian Legislature is to consist of two bodies—the Council of State and the Legislative Assembly. Assuming that the suggested Reform proposals are ultimately given effect to in their present form, two sorts of Bills would be introduced into these bodies—Government Bills and private Bills. A private Bill, if it passes both the bodies, becomes law after receiving the assent of the Viceroy, and the assent is merely a formal matter. If the Bill is not accepted by one of the bodies, it would be referred to the joint session, and it will become law in the form in which it passes them. A Government Bill is much in the same position, unless the Viceroy certifies that it is essential in the interest of peace, order or good government, including in that term sound financial administration. Under this procedure, except in cases of emergency legislation and certain ordinances, the Viceroy has to allow a Bill to become law; the power of veto is rarely, if at all, exercised. The question is, what would be the use which the Viceroy will make of the advice given.

by the Council of Princes? The only substantive power reserved to the Viceroy is the power of certification. But I am afraid he cannot invoke the assistance of this power in the case of the Native States, as the joint questions do not fall, without straining the words, within "peace, order and good government." It would be an insult to and would go against the existence of a Native State to call it as dangerous to the peace and order of the Government of India. The term "good government" if retained ultimately in the formula, can only, on natural interpretation, apply to the internal administration of British India, and not to the political relations of the Native States. The chief aim of the Reform Scheme is to make the Indian Legislature supreme, except in certain cases. Again the Viceroy has to listen to the advices from various sources—the Executive Council, the two Indian Legislative bodies with their Standing Committees, the Privy Council, the Council of Princes with its Standing Committee, the Secretary of State and Parliament with British and Colonial interests pressing them—all these converge their advices on the Viceroy. The question is, what will the over-advised Viceroy, with the best of his intentions, be able to do in cases of conflicting claims? What will be his position if he goes and tells the Indian Legislature every time, in questions of common interest—and the Government of India in future will have to deal largely with questions of common interest—"though you pass the Bill, I am going to modify or reject it as the Princes oppose it?"

The difficulties of the Viceroy are still greater with regard to the provincial legislature. There would be some questions affecting the States and British India which would be taken up by the provincial legislatures. No method is apparent by which the Viceroy can interfere in autonomous provinces, unless he calls to his assistance the powers which he is not supposed to use.

When the Princes proposed the Committee of Reference for matters of joint interest, they had no exact idea as to what shape the Reform proposals were going to take. Even under the old conditions, the Committee of Reference was only a slight betterment of the existing position, and not a solution of the problem of guarding the interests of the States.

It is thought in certain quarters that "joint deliberations and discussions between the Council of State and the Council of Princes, or between representatives of each body" may lead to better mutual comprehension, and fewer occasions of misunderstanding. I, on the other hand, humbly think that once the door is opened to expression of opinions, and the pointing out of differing interests, it must lead to misunderstandings and dissatisfactions, which it may not be possible to remove without some more direct method of co-ordination than advice. So long as the States accepted the British policy of joint obligations individually, as the result of diplomacy, there was no room for consolidated action, as the whole situation was scattered and indistinct. But now the angle of vision will change, and the need of the solution of this question will be pressing, if it is not immediately taken up. I am sorry I cannot agree with those who think that in all cases the merits of the case must prevail, and therefore the Princes should stand at ease. My small experience in politics points to the contrary conclusions; power and majority carry the day in such matters, and not merit.

The next question is, what form of co-ordination would be suitable? The difficulties in answering this question arise (1) on account of the position of supposed complete exclusiveness of Native States taken by some, (2) the nervousness as to how any suggestion would be received in British India, as no attempt has hitherto been made to invite the reasoned opinions of British Indians on the question of co-ordination, and (3) on account of the want of any joint effort at solution by the British Indians, the Government and the Native States.

The exact influence and the powers to be assigned to the Privy Council are not precisely known. But it will certainly be an advantage to the Princes to be represented on it. For the present, at least, the States would not like to be represented on the Legislative Assembly, which is to a very large extent an elected body of British Indian subjects. The subjects of the Native States owe

their allegiance to the Princes. All Bills take their final shape in the Council of State, which is the more important of the two Assemblies.

I humbly suggest two alternative schemes which may solve the difficulties. Every scheme, unless it is perfectly innocent and powerless, would be opposed by persons whose powers it trespasses upon. And the Native States would never be able to make any headway if they do not give up the nervousness of opposition. They must in a way take a bold stand, and press their claims. (1) The first of these schemes is sending representatives to the Council of State and (2) the second is the power to be given to the Viceroy, to be able to give effect to the advice given by the Council of Princes.

(1) With regard to the first scheme, the Viceroy, in consultation with the Council of Princes and the Council of State, should make a list of subjects of common and Imperial concern. When any of these subjects is likely to come before the Council of State, the Council of Princes should be asked to send representatives, in proportion to the area of States, i.e., one-third of the number of the elected members in the Council of State. That would give to the State seven members. Though the population of the States is one-fourth, they might be given a couple of members more than they would have got on the strength of their population, considering the importance of their interests, and the fact that they have no representation on the Legislative Assembly. So when any of the listed subjects is to come before the Council of State, there would be seven additional members, making a total of fifty-seven members. In that case Government will not be able to maintain their majority in the Council of State, which they ought to have, as the Legislative Assembly has an overwhelming popular majority. So the Government should raise their number in such cases by seven or ten members. In matters which are not of joint interest, the representatives of the States should have no *locus standi* and should not be present. The additional members appointed by Government, when questions of common interest are taken up, should have nothing to do with, and should not attend, the sessions in the discussion of questions of purely British interest. Perhaps, this proposal might be opposed by some British Indians, who might say that the representatives of the States are not in touch with the aims and aspirations of new British India. But they would not be right in assuming, that they would not find support from the State representatives. There will be occasions on which the States may join them, and considerably add to their strength.

There are, however, two objections to such a proposal, firstly that the system of "ins and outs" has no parallel in history, and secondly that the constitutions of British India and the Native States are different, the former having democratic and the latter monarchical forms of governments.

As regards the first objection, it may be stated that the system of "ins and outs" was actually suggested by Mr. Gladstone as a right one to solve the Irish question, and it was only an accident that it did not become the law. The Government of India too does in a way resort to this system at times when it appoints experts to the Legislative Councils, as it did at the time of passing the Universities Act.

The second objection has been made much of by critics of the Indian States. They think that no co-ordination is possible until States have full-fledged representative governments. The democratic wave that is passing over the whole world may have its effects on the States. The Rulers have not shut their eyes to what is passing around them. I am not at all opposed to, on the contrary I am in full sympathy with, the progressive ideas in British India. The slowness of their movements in the States is due to the regard for old indigenous institutions, to the attachment to the Rulers that still subsists in spite of the new ideas, to the absence of the feeling of alienness of government, and to the conservative spirit which has at times saved nations from precipitous fall. British India too is under limited monarchy and hopes to continue under it. The proposed Legislative Assemblies have Government nominees on them, and in one of them the Government have a majority. States like Baroda, Mysore and Bikaner have their Legislative Assemblies, and the other States too are giving their attention to the subject. England herself has the practically

hereditary House of Lords co-ordinating its functions with the representative House of Commons. Why cannot States and British India decide what is best for their joint interest?

The Reform Scheme for British India is too far advanced and criticisms have been invited, as it is, without any co-ordinate influence of the States, and perhaps the India Act is in the drafting. Any radical change at this stage may not find favour anywhere. So with a view to invite criticism and by no means as the final adjustment of the rights of the States, I venture to suggest the alternative solution, but the alternative suggestion should come into force only and if the above principle is not accepted. The formula of certification which gives power to the Viceroy in exceptional cases, might be made to include in it a distinct power, which he can exercise in the interest of the Native States. The formula may assume some such shape "the Viceroy should have the power of certifying that a Bill may be changed or rejected by the Viceroy, if the direct and distinct interests of the States so require." The advice given by the Native States may thus find some means of making it effective.

His Highness the Maharaja of Dewas (Junior Branch):—This is a proposal which will be heartily welcomed by the whole body of seven hundred Rulers, and with the growing importance of India's position and needs, probably every Prince would like to have himself heard on such common questions. Even here our constitutional position comes in the way of our working out the same to the satisfaction of all. The self-governing Rulers at all events must have a chance given to them to pronounce their views on such questions. And my view is that the Standing Committee above proposed should deal with such questions in the first instance and should immediately communicate their recommendations to their masters who will thereupon meet in their Council under the presidency of the Viceroy, and arrive at a consensus of understanding regarding the recommendations before them. So far as we are concerned the means are as above described.

But what about the views of the rest of our Order? How to secure them is the question. I have a suggestion—a mere suggestion—to make for the consideration of such Rulers. These Rulers can consider such questions in their respective groups to which they would belong and then communicate the same to the Viceroy for the ultimate consideration. By this means any heart-burning that may rankle in the breasts of such Rulers for not getting admittance into the Princes' Council will be removed and the Viceroy will have before him considered opinions of the whole class of Indian Rulers.

His Highness the Maharaja of Patiala:—So far as the present arrangements go, and so far as the changes, which it is contemplated to introduce in the near future are concerned, I think the plan suggested in the Reforms Report is quite sound, but in my opinion a distinct and clear understanding should be given that the present arrangements regarding joint deliberations do not bind the Ruling Princes for all time, and that a readjustment will be effected when other arrangements are introduced in the governance of British India. I emphasize this because the exact form which such constitutional changes will take in British India, is not known to us yet and the question should be capable of reconsideration when the situation undergoes a material change. In any case it should be clearly understood that under no circumstances are the Ruling Princes prepared to merge themselves into any representative Legislative body that may be ushered into existence in British India. When matters of common interest are referred to the Council of State and representatives of the Chamber of Princes, I would urge that the Princes should be given equal representation on the joint body, otherwise the voice of the Indian States is likely to be drowned in the Assembly. In view of the fact that we have always rendered whole hearted and loyal services to the Crown whenever occasion has arisen, and also in view of the fact that we have enjoyed internal autonomy as integral parts of the British Empire, ever since the British Rule in India began, I think when we ask for equal representation we are not asking more

than is our due. This equal representation seems to be essential in the interests of our States, because it will assure to the Princes the necessary position and status which is their due.

His Highness the Maharaja of Gwalior :—As regards item (8) of Agenda No. I and paragraph 311 of the Report, the suggestion made by the Princes' Committee in their draft Scheme under the heading "Committee of reference for matters of joint interest" is approved, that is to say :—

"A joint committee shall be constituted, composed of representatives nominated by the Chamber of Ruling Princes and an equal number of delegates selected by the Government of India from the Legislature concerned. To this Committee shall be referred for expression of opinion all questions coming before any legislature, Imperial or Provincial, the determination of which may affect the interests of all or any of the States in India. The reference in each case shall be answered and the report of the Committee duly considered before a final decision is taken by the legislature concerned.

Her Highness the Begum of Bhopal :—I agree with His Highness the Maharaja of Gwalior.

His Highness the Maharaja of Alwar :—Your Excellency, Your Highnesses,—The question of co-ordination is indeed a very important one. It vitally affects the interests of the States as it does those of British India and the Empire as a whole. But in order to place the question of co-ordination on a really satisfactory basis, it can really only work thoroughly when there is some sort of federation, and federation is another word for subordination. I do not know the general trend of opinion on this subject, as to how far Princes will be prepared to sacrifice some of their rights when co-ordinating with an institution which advances on quite different lines. It seems to me that, at the present stage, when the whole matter will very shortly be before the consideration of the British Cabinet and we do not know what will be the ultimate outcome of the proposals, as to whether there will be a Council of State and Legislative Assembly or any other organisation, or whether there will be a Chamber of Princes, it seems to me as though we were preparing to build a bridge across a river and to start foundations on one side when we were not aware of our landing on the other side. Going on the basis of the scheme outlined in the Report, the proposition for having joint deliberations between the representatives of the Chamber, whether they be Princes or their ministers, and the Council of State is not a question that is very easy to solve. If the Princes go themselves, questions of precedence and of proportionate representation are not unlikely to arise. I foresee a time, if our States advance so rapidly with the two-thirds of India on democratic lines that this means of co-ordination may some day even be the thin end of the wedge for the eventual mixing up of the two Chambers, namely, the Council of State and Princes Chamber, because very little reason will then exist why the Princes should not sit on the Council of State. This, however, is probably a proposition for the distant future with which I need not at present be concerned. Another difficulty as regards the question of holding deliberations in the Council of State by joint discussion is that we may not be able sufficiently to represent our own case with a society advanced in the arts of debate. If we merely deputed ministers, however trustworthy and eloquent the representatives may be, it is difficult to convey sentiments through representatives as they can be conveyed personally. Therefore I at present am not prepared to suggest any scheme except that, when questions do come up which vitally affect Indian States, and which also affect the whole of India, His Excellency the Viceroy, as the President of our Chamber of Princes, should consult our house on all such important matters. His Excellency has been pleased to say in his speech that any views that we represented would receive his favourable and careful consideration. I think the representation of our views through this Chamber, at any rate to commence with, would meet the

needs of the time, and I have no doubt that, with experience, avenues would open up which would enlarge the scope of this representation and enable us to deal with future problems.

His Excellency the Viceroy :—I understand His Highness the Maharao of Cutch has a resolution to move in connection with this matter ?

His Highness the Maharao of Cutch :—The resolution I propose to move is this :—

“ Resolved that this Conference recommend that the consideration of the question of the means to be provided for joint deliberation between the Government of India and the Princes on matters of common interest to both should be postponed until the Chamber of Princes and Chiefs has been established and until the result of the proposals made for the introduction of Reforms in British India is definitely known.”

His Highness the Maharaja of Alwar :—I cordially support the resolution.

(The resolution was put to vote and carried.)

Agendum No. II.

His Excellency the Viceroy :—We have still item No. II on the Agenda to dispose of which reads as follows :—

*“ To consider the question of precedence of Ruling Princes *inter se* at social functions.”*

A motion was moved by His Highness the Maharaja of Alwar, that a committee should be appointed and it was carried by 15 votes to 12, thus showing that the Conference was almost equally divided on the subject, and I suggested yesterday that it would be well to postpone the further consideration of this matter till His Highness has had an opportunity of consulting with others about the formation of this Committee. I do not know whether His Highness the Maharaja of Alwar had an opportunity of doing so.

His Highness the Maharaja of Alwar :—As His Highness the Jam Sahib has just shown me a resolution which he wishes to move, and with which I agree, I withdraw my resolution.

His Excellency the Viceroy :—The difficulty is that the Conference has already carried the resolution to the effect that a committee should be appointed, and I don't know what His Highness the Jam Sahib's resolution is, but I presume it is to rescind that. I think, however, it will be more convenient if His Highness the Jam Sahib were to give us his general remarks.

His Highness the Maharaja of Navanagar :—Your Excellency, in the Conference of 1917 Agenda No. V related to the following subject, *viz.* :—

To consider a suggestion, that for settling the precedence *inter se* for purely social purposes of Ruling Princes and Chiefs belonging to different provinces or administrations a rule might be adopted that all Ruling Princes and Chiefs having a certain number of guns should rank *inter se* according to the date of succession to the *gadi* or *masnad*.

The consideration of this question was postponed until the present Conference. This matter is not so simple as it seems. Individual Princes have

different sentiments on the subject and so long as there is acute difference of opinion among the Princes, the question cannot be decided in such a way as to have a binding effect on all. There is another serious difficulty involved in this subject. It is admitted that anomalies exist in the matter of salutes. So long as these anomalies are not removed, precedence based on the number of guns is likely to cause further dissatisfaction. Thus until the question of salutes is decided and a satisfactory arrangement is arrived at in the matter, the question of precedence at social functions must be left over. Meantime perhaps a strong permanent committee of Princes may be appointed who could thresh out the question and propose some arrangement.

His Excellency the Viceroy :—Have you got any names to suggest ?

His Highness the Maharaja of Alwar :—Have I, Your Excellency, in proposing these names to face the question of having my name also compulsorily included ?

His Excellency the Viceroy :—I think if you were to express the hope that the Conference would not include your name, no doubt the Conference would meet your wishes, but generally the mover of the resolution has to take the responsibility for it.

His Highness the Maharaja of Alwar :—With the request that the distinguished members of this Conference may not include me on this Committee, I would like to propose the following names :—

His Highness the Maharaja of Kashmir,
His Highness the Maharaja of Jaipur,
His Highness the Maharao Raja of Bundi,
Her Highness the Begum Sahiba of Bhopal,
His Highness the Maharaja of Kolhapur, and
His Highness the Maharaja of Gwalior.

His Highness the Maharaja of Gwalior :—Your Excellency, you are fully aware of my views which I expressed the other day, and therefore I would ask that I may be excused from serving on this Committee.

His Highness the Maharaja of Kolhapur :—Instead of me I would propose the Chief of Sangli.

Their Highnesses the Maharajas of Kashmir and Jaipur, the Maharao Raja of Bundi and the Begum Sahiba of Bhopal expressed their unwillingness to serve on the Committee.

His Excellency the Viceroy (addressing Alwar) :—I am afraid, Your Highness, you have failed in your first attempt as Their Highnesses whom you have suggested have declined to serve on the Committee.

His Highness the Maharaja of Kolhapur :—May I propose the names of Their Highnesses the Maharajas of Patiala and Navanagar and His Highness the Maharao of Cutch ?

His Highness the Maharaja of Patiala :—I would like to be excused from serving on this Committee.

His Highness the Maharaja of Navanagar :—Your Excellency,—As the Committee has unlimited time at its disposal, I think it is highly desirable that we should face the music, and personally I should be very glad to serve on this Committee.

His Highness the Maharao of Cutch :—As one permanent Committee has already been appointed to consider item (2) of Agendum No. I, may I suggest that the same permanent Committee may undertake this work also ?

His Excellency the Viceroy (*addressing Cutch*) :—I don't think your proposal will do, because two members of the Committee which was appointed yesterday to consider item (2) of Agendum No. I, namely, Their Highnesses the Maharajas of Patiala and Gwalior, have already declined to serve on this Committee and therefore it could not be the same Committee.

His Highness the Maharaja of Alwar :—I propose the following names :—

- His Highness the Maharao of Cutch,
- His Highness the Maharaja of Navanagar,
- His Highness the Maharao of Kotah,
- His Highness the Maharaja of Kolhapur,
- His Highness the Maharaja of Dewas (Senior), and
- His Highness the Maharaja of Bikaner.

His Excellency the Viceroy :—His Highness the Maharaja of Alwar has moved that the Committee should consist of the following names, namely, His Highness the Maharaja of Bikaner, His Highness the Maharao of Cutch, His Highness the Maharaja of Navanagar, His Highness the Maharao of Kotah, His Highness the Maharaja of Kolhapur and His Highness the Maharaja of Dewas (Senior Branch).

His Highness the Maharao of Cutch :—Your Excellency,—I have two additional names to suggest, and I propose His Highness the Maharaja of Alwar and His Highness the Maharaja of Patiala.

Their Highnesses the Maharajas of Patiala and Alwar :—We have already refused.

His Highness the Maharaja of Kolhapur :—May I ask His Highness the Maharaja of Alwar to add the name of the Chief of Sangli as he is in every way better fitted than myself?

His Highness the Maharao of Cutch :—I think the presence of His Highness the Maharaja of Alwar is necessary on this Committee.

His Highness the Maharaja of Navanagar :—I think His Highness will serve.

His Excellency the Viceroy :—Then there are these names with the addition of that of His Highness the Maharaja of Alwar.

His Highness the Maharaja of Alwar :—Your Excellency,—I have not given my assent.

His Excellency the Viceroy :—Do I understand that you decline?

His Highness the Maharaja of Alwar :—Yes.

His Excellency the Viceroy :—It is proposed that a Committee consisting of His Highness the Maharao of Cutch, His Highness the Maharao of Kotah, His Highness the Maharaja of Kolhapur, His Highness the Maharaja of Dewas (Senior Branch), His Highness the Maharaja of Navanagar and His Highness the Maharaja of Bikaner be appointed to consider Agendum No. II.

The motion was carried.

The Conference was adjourned to the 25th January.

PROCEEDINGS OF THE FIFTH DAY.

January 25th, 1919.

Presentation of a sword to His Highness the Maharaja of Patiala.

His Highness the Maharaja of Gwalior :—Your Excellency,—On account of the mournful event which happened in the Royal Family, the banquet which was to have come off on the 24th of this month had to be regretfully postponed. As President of the Reception Committee, which was formed in connection with the banquet, it is my privilege to request Your Excellency to present on our behalf this sword to our esteemed brother, His Highness the Maharaja of Patiala, who so ably represented us last year at the Imperial Conference in London. It is painful for us all that a deplorable mishap should have led to an alteration in the plans for the presentation, but I may say that, anyhow, it will be a great pleasure to His Highness to receive this sword from the hands of Your Excellency.

His Excellency the Viceroy :—Your Highness,—It is a great pleasure to me to be able to present this sword to you to-day on behalf of your brother Princes. I should like to thank you also personally myself for the dignity and self-restraint with which you exercised the functions of a representative of the States at the Imperial Conference, and I congratulate you.

(His Excellency then presented the sword to His Highness the Maharaja of Patiala.)

Vote of thanks to His Excellency the Viceroy and His Majesty's Secretary of State for India.

His Highness the Maharaja of Jaipur :—Your Excellency and Your Highnesses,—Perhaps it is not necessary to make any introductory remarks in moving the following resolution, which stands in my name. But on an unique occasion like this it may not be inopportune to say that, whatever help we were able to render in the prosecution of the late war, was readily given because we thought that it was our paramount duty to serve our King-Emperor with whole-hearted devotion and without the least idea of claiming privileges and honours in return. It is not our object at the present moment to embarrass the Government, which appreciates fully our war efforts, but to co-operate with them in removing certain anomalies which have crept in in our relations with the Imperial Government. I may assure them, on behalf of my brother Princes, that we do not approach them in a captious spirit, eager to find fault with them and their officers, but only to draw attention to the disabilities we are working under, and to ask for a solution in a spirit of sympathy and justice :—

RESOLUTION.

This Conference of Ruling Princes and Chiefs desires to express its sincerest gratitude to His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India for the solicitude shown by them in their Report on the Indian Constitutional Reforms, for promoting the welfare of the Ruling Princes and Chiefs and safeguarding their interests. They are especially grateful for the assurance, 'That no constitutional changes, which may take place, will impair the rights, dignities and privileges secured to them by treaties, sanads, and engagements.' This Conference also desires to place on record its deep sense of appreciation of His Excellency Lord Chelmsford's noble endeavours in bringing together the Ruling Princes and Chiefs and giving

them an opportunity for free and frank discussion and friendly exchange of views with their brother Princes and the Government of India and all matters affecting their States. They are specially grateful for the confidence His Excellency reposed in them where questions of Imperial interests were concerned thus bringing the Princes and Chiefs of India in closer touch with the Imperial Government and encouraging them to take an active interest in problems not only of India but of the whole Empire'.

His Highness the Maharaja of Gwalior:—I have great pleasure in seconding the resolution.

His Highness the Maharao Raja of Bundi:—I add my concurrence on behalf of the Princes of Rajputana and thank Your Excellency and His Majesty's Secretary of State for India for the industry and care that has been bestowed in preparing the Joint Report and for the solicitude shown in it for guarding and promoting the interests of Ruling Princes. It is very gratifying to find expressions therein giving assurances that "no constitutional changes which may take place in British India will impair the rights, dignities and privileges secured to them by treaties, *sanads* and engagements or by established practice" and that "the British Government will observe treaty obligations, refrain from interference and protect the States from it". Acknowledgments are due also for the handsome appreciation of the services which the States have rendered in the recent gigantic struggle.

The eminent authors of the Report have rightly found out the cause of uncertainty and uneasiness when they observe in their Report that uniformity of terminology tends to obscure distinction of status; and practice appropriate in the case of lesser Chiefs may be inadvertently applied to the greater ones also, "that the Princes, viewing the application of this case-law which is grown up around the treaties to their individual relations with Government, are uneasy as to its ultimate effect and that they fear that uses and precedent may be exercising a levelling and corroding influence upon the treaty rights of individual States". These are indeed the lofty motives underlying the Report.

His Highness the Maharaja of Kapurthala:—I freely beg to acknowledge the deep debt of gratitude the Indian Princes and their States owe His Excellency the Viceroy and the Right Honourable the Secretary of State for the broad-minded manner in which they have endeavoured to meet our wishes and aspirations. A cordial tribute is due to them for their lofty ideals and for the labours and thought they have bestowed on the formulation of their scheme. I fervently hope the coming changes may yield the happiest results and conduce to the greater glory of our Empire.

His Highness the Maharaja of Navanagar:—On behalf of myself and on behalf of my brother Princes in the Bombay Presidency, I would like to add my whole-hearted concurrence in the resolution so ably proposed by His Highness the Maharaja of Jaipur.

His Highness the Maharaja of Patiala:—On behalf of myself and on behalf of the Punjab Princes, I beg to add my whole-hearted concurrence in the resolution moved by His Highness the Maharaja of Jaipur.

His Highness the Maharaja of Gwalior:—On behalf of the Princes of Central India, I have great pleasure in supporting the resolution moved by His Highness the Maharaja of Jaipur.

The resolution was put and carried.

His Excellency the Viceroy:—Your Highnesses,—I appreciate very highly the friendly spirit which prompted His Highness the Maharaja of Jaipur to move this resolution and the sentiments to which it gives expression.

It will be a great encouragement to the Secretary of State and to myself to know that our efforts to associate the great Princes of India more closely with the Government of this great Empire and to improve our mutual relations are so gratefully recognised, and I can assure you that those efforts will not be relaxed.

I thank Your Highnesses most warmly on behalf of myself and the Secretary of State, to whom I shall not fail to communicate the terms of this resolution.

ADDRESS BY HIS HIGHNESS THE MAHARAJA OF GWALIOR.

YOUR EXCELLENCY,—

Now that this Conference is coming to an end, it is fitting that I should offer, on behalf of my brother Princes and myself, some observations on matters of general interest as well as on the useful experience which the present session has brought us all.

On the first day of our meeting, Your Excellency's remarkable address brought home to us, more clearly than ever, the complexity of the Indian States' problem as well as the difficulty of finding for it a suitable solution. But more of this later.

It seems more suitable that I should, at the outset, briefly allude to certain epoch-making events which by their importance appear to me to claim priority of mention.

The Armistice, which was signed on November the 11th, marked for the Allies the happy ending of the greatest war known to history, involving a heart-breaking expenditure of blood and treasure. There is in this occasion for deep thankfulness to the Ordainer of human affairs. We now look forward to the conclusion of a just and lasting peace—a peace which, we trust, will not only secure tranquillity to the British Empire for a long time to come, but will also bring about a fair adjustment of the rights of all races and communities.

I refer to the glorious end of the war to recall what has rendered its achievement possible. Bearing in mind the part played in the war by the British Empire, I think it is no exaggeration to say that it was the absolute unity of that composite structure which operated most powerfully towards that end. And if I may raise a further question only to supply an equally obvious answer: what rendered such perfect cohesion possible? It was the personality of His Gracious Majesty the King-Emperor which has won him an ample and firm place in the affections of his people. It is not the sentiment which only tradition breeds that I express, but a deduction from the world's history when I say that a hereditary throne is the greatest binding and welding force in the life of nations and communities. We, Princes of India, rejoice to find, on all sides, undeniable evidence of attachment to the British Throne and it inspires us with the brightest hopes for the good of humanity and the peace of the world to find the British Throne, to which we are bound by very close ties, more secure than ever before, and, I may say, in consequence of the great struggle which has thrown many a Crown into the melting pot. This security which is broad-based upon the affection and good-will of the people is, we firmly believe, going shortly to find its counter part in the adoption of liberal measures calculated to improve the machinery of the governance of India.

These measures, which are irrevocably promised, will bring in their train enhanced loyalty and contentment in India and the ampler they can be made with a due regard for the conditions that are, and the quicker they can be enforced, the greater will be their certain result. I am not using the language of convention, but I speak from conviction when I say that both the amplitude and the expedition are assured by the combination which we all regard to be of happy augury, *viz.*, the continuation of Your Excellency's Viceroyalty and the re-appointment to the Secretaryship of State for India of the Right Hon'ble E. S. Montagu.

The recent elevation of our distinguished countryman, Sir Satyendra Sinha, to the peerage, and his appointment to an office in the British Government, is an example of true insight, great political imagination, and what is even more important of genuine honesty of purpose, and we refuse to credit the libel from wherever it emanates that, in this measure of simple justice to a people, there is even the slightest taint of party or other questionable tactics. The recognition of India's rights is further emphasised by her direct representation in the Peace Conference. And in the inclusion of our illustrious brother, the Maharaja of Bikaner, amongst the delegates to Versailles, we recognize the determination to accord to the Indian States their rightful place in the fabric of the British Empire. For all this our heartfelt thanks are due to Your Excellency's insight into existing conditions, Mr. Montagu's powerful grasp of facts, no less than to the sympathy and sense of justice of the British Cabinet. To all of them we are also grateful for the generous appreciation of our services during the war.

I come now to Your Excellency's opening address. I propose to deal with it in the order of importance of the points that call for notice.

Your Excellency called upon us to remember that the British Government is the Paramount Power in India. As regards this direct reminder, we feel no hesitation in saying, and saying it as unequivocally as possible, that the paramountcy of the British Government is a fact that is not open to challenge. It is a fact that is readily admitted and a fact that is recognized as a blessing, because it is accompanied with justice.

It is perhaps within the experience of us all that side issues have a tendency to confound the more important ones. The bearing of this remark will be apparent when I recall to Your Excellency's mind the origin of the present Conference and of the desire for the formation of a collective body of Princes. That desire was not the result of the impending changes in the administrative machinery of India; it was the outcome of the feeling that so long as each State sought the solution of its difficulties, or the removal of its disabilities by individual representation, such difficulties, though in many instances common, were apt to be treated as peculiar to the State which represented them. And while this possible misapprehension prevailed, not only was the realization of the fact that difficulties were common to the States likely to be unduly delayed, but the individual representations could not be expected to carry the weight they deserved. This was one determining factor. The absence of an organ for the collective expression of opinion was also responsible for bringing about a condition of affairs in which the interests of the States in such matters as affected them jointly with British India were exposed to the risk of being ignored. In addition, there were certain crying needs which it has now been sought to meet by the application of plain and direct remedies. And these remedies, such, for instance, as the appointment of Commissions of Enquiry for the purposes stated, and the placing of States in direct political relations with the Government of India, are, I may say, so essential that their application does not admit of delay.

Allusion was made by Your Excellency to the improvement of relations between the Crown and the States. With regard to this all that is desired is that the various rights secured to the States by their individual treaties, as also their inherent sovereign rights, shall be ensured to them and consistently respected and, further, that no practice or measure would in future be permitted to come into being which directly or indirectly over-rides the expressed or implied intention of the treaties.

It will be admitted that no treaties are ever comprehensive documents. Ours having been drawn up to meet the conditions that existed at the time of their conclusion, and having had for their purpose the attainment of particular objects they can cover but a very limited field. Their tenor, however, is unmistakable and their general clauses clearly indicate the enjoyment by the States of a status and position which, in the course of time, have suffered diminution in practice. Therefore, what the States ask for is that no measures inconsistent with this tenor and those clauses should be adopted by the Imperial Government and imposed upon the States. In any case to all

such measures as are likely to affect, in any degree, the internal autonomy of the States, their free consent should be previously obtained.

Then, again, there was reference to the necessity of making a distinction between the more important States and the rest, and Your Excellency remarked that the distinction could only be based upon constitutional considerations, that is to say, upon the nature of the link between individual States and the Crown. The fundamental consideration determining the distinction could not have been more aptly described, and we entirely concur with this principle.

As regards Commissions of Enquiry, in order to allay the apprehensions of some of the less affluent States, Your Excellency thought fit to give a very positive assurance that such Commissions "would never be allowed to develop into engines of oppression to be used by the richer against the poorer States." The sentiment underlying the assurance is in consonance with the best traditions of the British Government. But if I may venture so to put it, there is also another side to the shield and an apposite and real danger to be avoided. An equal degree of determination should characterise the resolve to see that the accident of wealth is not detrimental to the interests of any State. The fear might not unnaturally be entertained that, where there was a clear case for the appointment of a Commission, the less affluent State—and disparity there must be between the means of any two States—might find it very convenient to plead comparative poverty, and by plausibly appealing to the possibility of oppression prevent adjudication by a means unquestionably the fairest. Such pleas often go with a bad case, and *per contra* wealth and a good case are quite a conceivable combination. In the ordinary law court it might sometimes happen that the command of the Bar may deflect the award in the direction of the longest purse; but before independent Commissions, such as those contemplated in the Reforms Report, the merits of the case may be safely relied upon to prevail over all other considerations.

I am afraid I have taxed Your Excellency's patience rather long, but the importance of the occasion and the magnitude of the interests at stake rendered this unavoidable.

While thanking Your Excellency for the patience and sympathy with which you have guided our deliberations, we earnestly hope that our labours will bear rich fruit in the near future.

As regards the results achieved by the present Conference in respect of the important subjects that came before us for discussion, I will only make a brief reference here on each point.

1. We have decided by a majority that a definite line should be drawn hereafter between the Sovereign States and others.

2. As regards the question of the examination of treaties and the need of codifying and standardising past usage, we have appointed a Special Committee to thresh out this question with the Government of India and make suggestions at our next meeting.

3. We have unanimously decided in favour of the early establishment of an organisation of Princes which is to be hereafter called by the name of "Narendra Mandal," (in English) Chamber of Princes.

4. We have carried resolutions for the establishment of Commissions of Enquiry and for the election of Standing Committees as outlined in the Montagu-Chelmsford Report, but with slight modification.

5. We have cordially and unanimously supported the proposition of direct political relations between all the important States and the Imperial Government.

6. A Committee has been appointed to deal with the question of precedence *inter se*.

7. We have also decided that this Conference recommends that the consideration of the question of the means to be provided for joint deliberation between the Government of India and the Princes should be postponed until

the Chamber of Princes and Chiefs has been established and until the result of the proposals made for the introduction of the reforms in British India is definitely known:

I am afraid I have taxed Your Excellency's patience rather long, but the importance of the occasion and the magnitude of the interests involved rendered this unavoidable. While thanking Your Excellency for the patience and sympathy with which you have guided our deliberations, we earnestly hope that our labours will bear rich fruit in the near future.

HIS EXCELLENCY THE VICEROY'S SPEECH AT THE CLOSE OF THE CONFERENCE.

I thank Your Highness for the reply which you have just made to my opening address at the commencement of this Conference. The text of the reply only reached my hands a few minutes before this sitting, and you will not expect me therefore, in such circumstances, to deal off-band with the important matters which have been discussed in it. I have already alluded to them in my opening speech, but I can assure Your Highnesses that all that has passed in debate here, and the views which have been expressed in Your Highnesses' reply, will receive our most careful consideration. I think we all agree that the debates this year have been of special interest, and I am sure that they have been of value to us all. It is always a great pleasure to me personally to have this opportunity of meeting Your Highnesses here, enabling you to discuss with me and with other members of my Government the problems which you have at heart, and I can assure you that we are all of us delighted to see you and discuss things with you.

It now only remains for me to wish Your Highnesses good-bye and a safe return to your States, and to express the hope that you may be all here once again in November to consider the important matters which we discussed at these Conferences.

May I say that, to constitute a permanent record of this Conference, a photograph will be taken immediately after our adjournment to-day. I now wish Your Highnesses good-bye and thank you for your attendance here and for the fruitful discussions which have taken place. (*Applause.*)

**Resolutions passed by the Conference of Ruling Princes
and Chiefs held at Delhi on the 20th January 1919 and
following days.**

Resolutions passed by the Conference of Ruling Princes and Chiefs held at Delhi on the 20th January 1919 and following days.

Imperial and Allied Victory.

Resolved.—That the Ruling Princes of India assembled in this Conference request His Excellency the Viceroy kindly to transmit to His Imperial Majesty the King-Emperor their respectful but warmest congratulations on the glorious termination of the war, coupled with an assurance of their abiding loyalty and attachment to His August Person and Throne. They also desire to seize this opportunity of paying a collective tribute to the brilliant achievements of the Imperial and Allied Naval, Military and Air Forces on all fronts, which have so completely crippled enemy power and resistance and have brought the prospect of an enduring peace within measurable distance.

Death of His Royal Highness Prince John.

Resolved.—That the Ruling Princes in Conference assembled beg to record their deep sense of grief at the bereavement suffered by Their Majesties the King-Emperor and Queen-Empress in the untimely and sad demise of His Royal Highness Prince John, and they beg to request His Excellency, the President, to convey to Their Majesties their united heart-felt condolences on this mournful event.

Resolved further.—That this Conference be adjourned until such time as His Excellency the President sees fit to reassemble it.

Agendum I—Item (1).

Resolved.—

(a) that this Conference recommends that a definite line should be drawn for the purposes indicated in Chapter X of the Report ;

(b) that this Conference recommends that the line of demarcation should be between (i) Sovereign States having full and unrestricted powers of civil and criminal jurisdiction in their States and the power to make their own laws, and (ii) all other States ;

(c) that the Chamber of Princes should consist—

(i) of Sovereign Princes, and

(ii) such others as the Government of India may decide to include in consultation with the Princes ; and

(d) that the Conference would commend to the favourable consideration of the Government of India the relaxations of restriction now imposed on the powers of a Ruler in cases where such restrictions are imposed by practice or usage or in pursuance of the terms of any treaty, *sanad*, or engagement. The above recommendation is subject to the proviso that the removal of restrictions on the powers of a State and its consequent admission to the Chamber as a member shall not in any manner or to any extent impair or prejudice the rights of any other State that can legitimately claim suzerainty over such State.

Agendum I—Item (2).

Resolved.—That a permanent Committee of Princes may be elected by the Conference for one year to have periodical sittings with the officers of the Imperial Government from the Political and Legislative Departments, in order that the subject may be threshed out in all its bearings and finally submitted before the next year's Conference when it could again be generally discussed.

The following Princes were elected to serve on the Committee :—

His Highness the Maharaja of Gwalior.

His Highness the Maharaja of Patiala.

His Highness the Maharaja of Navanagar.

His Highness the Maharao of Cutch.

His Highness the Maharaja of Bikaner.

His Highness the Maharaja of Alwar

together with

The Hon'ble Sir George Lowndes and the Political Secretary.

Agendum I—Item (3).

Resolved—

(a) that this Conference warmly approves the establishment of a permanent Council of Princes as described in paragraph 306 of the Report ; and

(b) that this Conference recommends that the term ' Narendra Mandal ' (Chamber of Princes) be adopted as the designation of the proposed body.

Agendum I—Item (4).

Resolved—

(a) that the Conference are in favour of the appointment of a Standing Committee ;

(b) that the Standing Committee should consist of not more than five members to be appointed by the Chamber, inclusive of the Secretary, who would be *ex-officio* member. That the Committee should contain one representative each from the four divisions of Bombay, Central India, Rajputana and the Punjab. That the Committee should have powers to co-opt additional members ;

(c) that the functions of this Standing Committee should be to advise the Viceroy and the Political Department on matters referred to it by the Viceroy regarding the affairs of Indian States, and that the Committee should be competent to initiate questions affecting Indian States generally or of common interest to India as a whole, either of their own accord, or at the direction of the Chamber of Princes, for the consideration of the Viceroy ; and

(d) that the Agenda for the Chamber of Princes should be decided in consultation with the Standing Committee.

Agendum I—Items (5) (a) and (b).

Resolved—

(a) that a recommendation should be made that His Excellency the Viceroy, before rejecting the request of any party for a Commission of Enquiry, should invite the opinion of the Standing Committee on this point, and that, when the request comes from both parties, it should be favourably entertained ; and

(b) that in order to distinguish this form of enquiry from that proposed in paragraph 309, the Commission proposed in paragraph 308 should be called a Judicial Commission.

Agendum I—Item (6).

Resolved—

(a) that it should be made clear that the party concerned, on the names of the proposed Commissioners being intimated to him, would have the right of challenging the nomination of any of the Commissioners, this right to be exercised only once ; and

(b) that the machinery proposed should not be put in motion if the Ruler of the State concerned himself prefers the question to be decided by the Government without a Commission of Enquiry.

Agendum I—Item (7).*Resolved—*

(a) that this Conference cordially endorses the general opinions expressed in Chapter X of the Reforms Report relating to Indian States regarding the principle of placing all important States in direct political relationship with the Government of India, and that, so far as is possible, all States enjoying Sovereign Powers and salutes of 9 guns or over be placed in such relationship: and

(b) that in deciding the question in relation to each Province, the subject should be worked out by the Imperial Government, in consultation with all the Princes of the Province concerned, who may be invited to give their views in their own Provincial Conference which may be convened for the purpose.

Agendum I—Item (8).

*Resolved—*That this Conference recommends that the consideration of the question of the means to be provided for joint deliberation between the Government of India and the Princes should be postponed until the Chamber of Princes and Chiefs has been established and until the result of the proposals made for the introduction of the Reforms in British India is definitely known.

Agendum II.

*Resolved—*That a Committee consisting of His Highness the Maharao of Cutch, His Highness the Maharao of Kotah, His Highness the Maharaja of Kolhapur, His Highness the Maharaja of Dewas (Senior Branch), His Highness the Maharaja of Navanagar, and His Highness the Maharaja of Bikaner, be appointed to consider Agendum No. II.

Vote of thanks to His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India.

*Resolved—*That this Conference of Ruling Princes and Chiefs desires to express its sincerest gratitude to His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India for the solicitude shown by them in their Report on the Indian Constitutional Reforms, for promoting the welfare of the Ruling Princes and Chiefs and safeguarding their interests. They are especially grateful for the assurance—'That no constitutional changes which may take place will impair the rights, dignities and privileges secured to them by treaties, *sanads*, and engagements'. This Conference also desires to place on record its deep sense of appreciation of His Excellency Lord Chelmsford's noble endeavours in bringing together the Ruling Princes and Chiefs and giving them an opportunity for free and frank discussion and friendly exchange of views with their brother Princes and the Government of India in all matters affecting their States. They are specially grateful for the confidence His Excellency reposed in them, where questions of Imperial interests were concerned, thus bringing the Princes and Chiefs of India in closer touch with the Imperial Government and encouraging them to take an active interest in problems not only of India but of the whole Empire".

Appendices.

- (1) THE QUESTION OF THE DEMARCATION OF RULERS ENJOYING FULL POWERS FROM THE OTHERS :
- (2) THE QUESTION OF THE ESTABLISHMENT OF A PERMANENT COUNCIL OF PRINCES : AND
- (3) THE QUESTION OF THE STANDING COMMITTEE OF THE COUNCIL OF PRINCES.

APPENDIX A.

The Committee appointed on the 20th January recommends the following Draft Resolutions for the consideration of the Conference :—

Agendum I—Item (i).

Draft Resolution A.

That this Conference recommends that a definite line should be drawn for the purposes indicated in Chapter X of the Report.

Carried unanimously.

Resolution B.

That this Conference recommends that the line of demarcation should be between (i) Sovereign States having full and unrestricted powers of civil and criminal jurisdiction in their States and the power to make their own laws, and (ii) all other States.

Carried unanimously, with the exception of His Highness the Nawab of Maler Kotla and the Chief of Sangli, who reserved their opinions.

Resolution C.

That the Chamber of Princes should consist exclusively of Sovereign Princes as defined above.

Carried by majority.

His Highness the Maharao of Cutch and His Highness the Maharaja of Kolhapur dissenting.

His Highness the Nawab of Maler Kotla and the Chief of Sangli reserved their opinions.

Resolution D.

That the Conference would commend to the favourable consideration of the Government of India the relaxation of restrictions now imposed on the powers of a Ruler in cases where such restrictions are imposed by practice or usage or in pursuance of the terms of any treaty, *sanad*, or engagement. The above recommendation is subject to the proviso that, before any enhancement of status is given, full consideration should be paid to the representations of any State possessing feudatory rights over the States affected.

Carried by majority.

Their Highnesses the Begum of Bhopal, the Maharaja of Gwalior, the Maharaja of Navanagar, the Maharaja of Kolhapur, and the Maharaja of Dewas (Senior Branch) dissenting.

Resolution E.

That Ruling Chiefs not entitled to sit in the Chamber should be represented, if they so desire, provided that they shall invariably be represented—

(a) where there is a Sovereign Prince in their Province, by such Prince and

(b) where there is no Sovereign Prince, by a Sovereign Prince of another Province.

Carried by majority.

His Highness the Maharao of Cutch, His Highness the Maharaja of Kolhapur, His Highness the Maharaja of Navanagar and the Chief of Sangli dissenting.

Agendum I—Item (iii).

Resolution A.

That this Conference warmly approves the establishment of a permanent Council of Princes as described in paragraph 306 of the Report.

Carried.

- (1) THE QUESTION OF THE DEMARCATION OF RULERS ENJOYING FULL POWERS FROM THE OTHERS :
- (2) THE QUESTION OF THE ESTABLISHMENT OF A PERMANENT COUNCIL OF PRINCES : AND "
- (3) THE QUESTION OF THE STANDING COMMITTEE OF THE COUNCIL OF PRINCES.

Resolution B.

That this Conference recommends that the term 'Narendra Mandal' (Chamber of Princes) be adopted as the designation of the proposed body.

Carried.

Agendum I—Item (iv).*Resolution A.*

That the Conference are in favour of the appointment of a Standing Committee.

Carried.

Resolution B.

That the Standing Committee should consist of not more than five members to be appointed by the Chamber, inclusive of the Secretary, who would be *ex-officio* member. That the Committee should contain one representative each from the four divisions of Bombay, Central India, Rajputana and the Punjab. That the Committee should have powers to co-opt additional members.

That the functions of this Standing Committee should be to advise the Viceroy and the Political Department on matters referred to it by the Viceroy regarding the affairs of Indian States, and that the Committee should be competent to initiate questions affecting Indian States generally or of common interest to India as a whole, either of their own accord, or at the direction of the Chamber of Princes, for the consideration of the Viceroy.

That the Agenda for the Chamber of Princes should be decided in consultation with the Standing Committee.

The Resolution was carried unanimously—His Highness the Maharaja of Alwar and His Highness the Maharao of Cutch dissenting as regards divisional representation (second sentence of Resolution).

MADHO SINGH,
Maharaja of Jaipur.

JEY SINGH,
Maharaja of Alwar.

UDAIBHAN SINGH,
Maharaj Rana of Dholpur.

SULTAN JEHAN,
Begum of Bhopal.

MADHO RAO SCINDIA,
Maharaja of Gwalior.

TAKOJI RAO PUAR,
Maharaja of Dewas (Senior Branch).

SHAHU CHHATRAPATI,
Maharaja of Kolhapur.

MAHARAO KHENGARJI,
Maharao of Cutch.

RANJIT SINGH,
Maharaja of Navanagar.

APPASAHEB PATWARDHAN,
Chief, of Sangli.

BHUPINDAR SINGH,
Maharaja of Patiala.

AHMED ALI KHAN,
Nawab of Maler Kotla.

APPENDIX B.

The Committee appointed on the 23rd January recommends the following Draft Resolutions for the consideration of the Conference.

Agendum I—Items (5) (a) and (b).

Draft Resolution A.

Resolved that a recommendation should be made that His Excellency the Viceroy, before rejecting the request of any party for a Commission of Enquiry, should invite the opinion of the Standing Committee on this point; and that, when the request comes from both parties, it should be favourably entertained.

That in order to distinguish this form of enquiry from that proposed in paragraph 309, the Commission proposed in paragraph 308 should be called a Judicial Commission.

Agendum I—Item (6).

Resolution B.

(a) That it should be made clear that the party concerned on the names of the proposed Commissioners being intimated to him would have the right of challenging the nomination of any of the Commissioners; this right to be exercised only once.

(b) That the machinery proposed should not be put in motion if the Ruler of the State concerned himself prefers the question to be decided by the Government without a Commission of Enquiry.

MAHARAO KHENGARJI,
Maharao of Cutch.

BHUPINDAR SINGH,
Maharaja of Patiala.

JEY SINGH,
Maharaja of Alwar.

RANJIT SINGH,
Maharaja of Navanagar.

UDAJI RAO PUAR,
Maharaja of Dhar.

TALEY MUHAMMAD KHAN,
Nawab of Palanpur.

AHMAD AJI KHAN,
Nawab of Maler Kotla.

APPENDIX C.

Memorandum showing existing restrictions on the powers of various Rulers whose eligibility for membership of the Council or Chamber may be in doubt.

Serial No.	Name of State.	Area.	Population.	Revenue.	STATUS.		Limitations on powers, if any.	REMARKS.
					Permanent.	Personal.		
MADRAS.								
1	Banganapalle	255	39,344	2,81,000	...	...	The Rulers of Banganapalle and of Sandur under the terms of their Sanads cannot sentence capitally or execute persons capitally convicted without the previous sanction of the Government of Madras and their powers are otherwise limited. See Sanads on pages 104 and 114 of Alcock's Treatise, Volume X.	
2	Sandur	164	13,517	98,405	...	...
3	Bhor	925	137,268	4,05,433	...	11		
BOHBAH*.								
Kachhatwar Agency.								
4	Sachin	42	18,903	2,08,981	9	11	Those Rulers exercise full civil and criminal jurisdiction over their own subjects and have powers to make their own laws.	
5	Vankaner	417	32,053	4,08,100	9	11		

*The non-salute Rulers of the jurisdictional States of 3rd to 7th class and of other petty jurisdictional States in the Bombay Presidency which number more than 300 do not possess full powers of Internal Administration and their civil and criminal powers are limited in various degrees.

Serial No.	Name of State.	Area.	Population.	REVENUE.		Limitations on powers, if any.	REMARKS.
				Permanent.	Personal.		
BOMBAY—contd.							
Kathiawar Agency—contd.							
6	Palitana	289	52,850	5,14,867	9	...	The security bond against misbehaviour was signed by the principal Rulers when in 1807 the joint forces of the British and the Gaekwar entered Kathiawar (Nos. XVII, XVIII, Volume VI, Aitchison). The British Government acquired exclusive authority in Kathiawar in 1821-22 under arrangements with the Peshwa and the Gaekwar. Cf. Leo-Warner's Native States of India, page 55, item 4 of Statement.
7	Dhrol	283	24,358	1,49,630	9	...	Ditto ditto.
8	Limbdi	344	31,287	2,50,000	9	...	Ditto ditto.
9	Rajkot	282	50,638	3,69,291	9	...	Ditto ditto.
10	Wadhwan	236	34,851	4,75,846	9	...	Ditto ditto.
11	Balasior*	189	32,618	1,36,350	9	...	*When the British Government succeeded to the Peshwa's rights, Balasior came under its political jurisdiction (Volume VI, Aitchison, page 332).
12	Baria	813	1,15,350	7,95,349	9	...	Baria was declared entitled to British protection under Article 10 of the Treaty of Sarji Anjangan (No. IV, Volume IV, Aitchison).
13	Chhotu Udeipur	873	1,03,000	7,20,900	9	...	Owing to a doubt whether the political control of Chhotu Udeipur was transferred to the British Government in 1820 along with that of the petty States in Mahi Kantha, according to the agreement of 3rd April 1820 with the Baroda State (No. XVII, Volume VIII, Aitchison) an agreement (No. CXXXVI, Volume VI) of subordination was made in 1822.

These Rulers exercise full civil and criminal jurisdiction over their own subjects and have powers to make their own laws.

Under the Treaty with Scindia on the 12th December 1800 (No. XII, Volume IV, Aitchison) the States became tributaries to British Government.

Became tributary with the treaty of Bassein with the Peshwa in 1803 (No. XIII, Volume VI, Aitchison).

Ditto ditto.

When the British Government succeeded to the Peshwa's rights, Jawhar came under its political control. On a dispute as to succession in 1822 the British Government issued a memorandum of settlement (No. II, Volume VII, Aitchison) appointing the mother of the minor Prince administratrix.

On the overthrow of the Peshwa, three engagements (Nos. XCVI, XCVII and XCVIII, Volume VII, Aitchison) were concluded in 1819, by which the six Patwardhan families became dependent on the British Government.

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On the fall of the Peshwa, Mudhol was continued to its Ruler under an engagement made in 1819 (No. CIII, Volume VII, Aitchison) similar to that with the Patwardhans.

On the fall of the Peshwa the State was continued to its Rulers by an engagement (No. CII, Volume VII, Aitchison), dated the 9th June 1821.

These Rulers exercise full civil and criminal jurisdiction over their own subjects and have powers to make their own laws.

These Rulers exercise full civil and criminal jurisdiction over their own subjects and have powers to make their own laws, but the Political Agent and the Government of Bombay exercise certain special powers of control in civil and criminal cases.

The system is based upon Article 9 of the Treaty of 1819 at page 274 of Aitchison's Treaties, Volume VII.

14	Lunavada	388	75,998	3,12,954	9	...
15	Sunth	394	70,974	2,31,663	9	...
16	Ranala	215	44,594	5,69,356	9	...
17	Dharanpur	704	1,15,000	8,00,000	9	...
18	Jawhar	310	3,439	2,04,948	...	...
19	Singli	1,112	226,128	11,58,051	9	...
20	Miraj (Senior)	339	81,467	2,92,770	...	...
21	Miraj (Junior)	210	35,806	2,57,760	...	...
22	Kurundwad (Senior)	185	42,474	1,69,131	...	...
23	Kurundwad (Junior)	114	34,003	1,69,309	...	...
24	Mudhol	308	63,801	3,14,922	9	...
25	Jankhandi	524	105,357	8,05,350	...	...
26	Ramdurg	199	37,848	1,61,310	...	...

Surat Agency.

Phana Agency.

Southern Maratha Country States.

Serial No.	Name of State.	Area.	Population.	Revenue.	SALUTS.		Limitations on powers, if any.	REMARKS.
					Permanent.	Personal.		
BOMBAY—concl'd.								
Dharwar Agency.								
27	Savanur*	70	18,446	1,15,072	...	...	...	As this petty State was rather a grant in lieu of pension than an independent fief, the British Government on its accession to the sovereignty of the Southern Mahratta Country, exercised complete jurisdiction over Savanur, but when grades of privileged classes were formed, the Nawab was placed on the 1st rank and in consideration of the former high position and power of the family was declared to be no longer subject to the jurisdiction of the Magistrate of the district.
28	Savantradi†	925	217,240	4,44,000	9	...	...	The powers of the Rulers are indeterminate as the State has been under administration for nearly 100 years but Savantradi originally held a more independent position than the Southern Mahratta Country States. See Aitchison's Treaties, page 307, Volume VII.
Belgaum.								
PUNJAB.								
29	Bilaspur	448	92,525	3,00,000	11	...	...	See Aitchison's Treaties, Volume VIII, pages 302 and 323.
30	Chamba	3,216	135,873	4,00,000	11	...	...	See Aitchison's Treaties, Volume VIII, page 307.
31	Faridkot	642	130,234	11,00,000	11	...	...	See Aitchison's Treaties, Volume VIII, page 298.
32	Malerkotla	167	71,144	11,00,000	11	...	...	.....
33	Mandi	1,200	181,110	5,00,000	11	...	...	See Aitchison's Treaties, Volume VII, page 303.
34	Simur	1,198	138,520	6,00,000	11	...	...	See Aitchison's Treaties, Volume VIII, pages 302, 317 and 312.
35	Suket	420	54,928	2,00,000	11	...	...	See Aitchison's Treaties, Volume VIII, page 303.

These Rulers exercise full civil and criminal jurisdiction and have powers to make their own laws, but in practice capital sentences passed by them require confirmation of the political authorities.

The following clause occurs in the *Indian Sand of 4th May 1860*:—"From that time the British Government will have no concern whatever with these metals, which will always remain in your possession and that of your descendants; as those lands require the exertion of arbitrary power, no complaint will be received from the inhabitants of them."

(*Atchison's Treaties, Volume VIII, pages 129-130.*)

No.	Locality	222	18,597	1,00,684	9	...	Ditto
26	Loharu	222	18,597	1,00,684	9	...	
Bihar and Orissa.							
27	Mayurbhanj	4,213	729,348	16,53,254	9	...	3 The Maharaja of Mayurbhanj under clause III of his Sanad of 1916 is bound to conform, in all matters concerning the preservation of law and order and the administration of justice generally, within the limits of his State, to the instructions that may be issued by the Lieutenant-Governor of Bihar and Orissa in Council. There are also certain other restrictions on the internal administrative powers of the Ruler of Mayurbhanj.
28	Kalahandi	3,745	410,413	3,75,398	9	...	4 The Feudatory Chiefs of Kalahandi, Patna and Sonpur under the terms of their Sanads are required to have capital sentences confirmed by the Political Agent and bound to accept and follow such advice and instructions as may be communicated to them by the Commissioner of the Orissa Division, or any officer vested with authority in that behalf by the Lieutenant-Governor of Bihar and Orissa in Council.
29	Patna	2,309	408,321	4,36,763	9	...	
30	Sonpur	906	215,716	2,07,302	9	...	
Assam.							
31	Manipur	9,000	346,232	4,42,201	11	...	5 The Maharaja of Manipur by the terms of the Sanad granted to him in 1891 is bound to fulfil all orders given by the British Government with regard to the administration of his territories. (Pages 263-270 of Aitchison's Treaties, Volume II.)

“The Rulers of Katsala, Dojima, Patanauli and of the petty Simla Hill States do not enjoy salaries and are required to have capital sentences passed by them confirmed by the Political authorities,

The GHERs of Narsip, Dohra, Paband and the petty Sindh Ritt sources do not enjoy salaries and allowances as such. The GHERs are subject to the provisions contained in the Feudatory Code of Barma and Rebrahol have by the terms of their Sanads full jurisdiction in all matters whether criminal, civil or revenue subject to the provisions of their Sanads, varying degrees of restrictions of death require the confirmation of Political authorities. Other Feudatory Chiefs in Bharat Oria which total 20 and which do not enjoy salaries have, by the terms of their Sanads, varying degrees of restrictions on their powers.

The Chiefs of the Khasi States (25) enjoy only limited powers.

Serial No.	Name of State.	Area.	Population.	Revenue.	SALUTE.		Limitations on powers, if any.	REMARKS.
					Permanent.	Personal.		
CENTRAL PROVINCES.*								
N ^o 2								
CENTRAL INDIA.†								
42	Ratlam†	643	75,291	9,00,000	13	...	† These Rulers exercise full civil and criminal jurisdiction over their own subjects and have powers to make their own laws, but sentences of death, transportation for life or imprisonment for life passed by State Courts must be submitted for confirmation by the Agent to the Governor-General.	
43	Sailana†	279	26,885	3,89,268	11	...		
44	Sitamar†	185	26,484	3,00,000	11	...		
45	Narsingarh	734	109,854	6,05,309	11	...	‡ These Rulers have full civil powers and the power to make their own laws but possess limited criminal jurisdiction. The Political Agent tries cases of murder, culpable homicide, rape and daktari.	
46	Rajgarh	962	127,297	6,01,305	11	...		
47	Khilchipur	273	40,075	1,62,630	9	...	§ These Rulers have full civil powers and the power to make their own laws but possess limited criminal jurisdiction. All heinous offences are reported to the Political Agent who has discretion to make them over to the State Courts for trial. The proceedings of State Courts in cases made over to them are subject to revision by the Political Agent.	Sentences of death require the confirmation of the Agent to the Governor-General.
48	Jhabua	1,336	111,232	2,53,400	11	...		
49	Barwani	1,173	108,583	6,00,000	9	11		
50	Alirajpur	836	72,454	3,18,200	9	...		

51	Ajigarh	.	.	.	.	802	37,093	3,25,000	11	...
52	Baoni	.	.	.	.	121	20,121	1,30,000	11	...
53	Bijavat	.	.	.	.	973	125,202	2,40,000	11	...
54	Charbhari	.	.	.	.	880	132,530	6,00,000	11	...
55	Chhatrapur	.	.	.	.	1,118	180,985	5,00,000	11	...
56	Panna	.	.	.	.	2,596	225,880	6,60,000	11	...
57	Baraundha	.	.	.	.	218	16,982	17,173	9	...
58	Madhar	.	.	.	.	407	78,155	1,97,078	9	...
59	Nagod	.	.	.	.	501	74,592	1,98,600	9	...

These Rulers have full Civil powers and powers to make their own laws but possess limited criminal jurisdiction. Heinous offences are tried by the Political Agent, but at his discretion he may allow the proceedings to be conducted in the State Courts and only pass the final order himself. He may use his discretion whether to interfere in other cases or not.

* In all the States (16 in number), except Chang Bhakar, Jashpur, Kora, Sirgaja and Udaipur, the Chiefs are bound by their Fostly Bond to submit sentences of death or of imprisonment exceeding 7 years or confirmation by Political authorities. In Chang Bhakar, Jashpur, Kora, Sirgaja, and Udaipur the Chiefs possess very limited jurisdiction. See pages 392-393 of Aitchison's Treaties, Volume I.

† In the case of the small Chiefships and estates in Central India, Political authorities exercise residuary jurisdictions which extend to the trial of all heinous offences and in some cases to the casting of civil suits and appeals.

APPENDIX D.

Note by His Highness the Maharaja of Dhar.

The Government of India has been pleased to ask for my views on Agenda prepared for discussion at the forthcoming Princes' Conference at Delhi. The questions which are eight in number can be reduced under two main heads.

(1) The subject matter referred to under paragraphs 1—7 of the Agenda is relating to the recommendations made by His Excellency the Viceroy and His Majesty's Secretary of State for India contained in the Chapter X of their Report on Indian Constitutional Reforms.

(2) Regarding questions of precedence of Ruling Princes *inter se* at social functions.

2. Before entering into the particular questions at issue, it will not be out of place to make a few general observations regarding the scheme formulated by the illustrious authors of the Report so far as it contains the recommendations for the Indian States. It must be admitted on all hands that the Indian States have hitherto maintained within their own ring fence an unique isolated position of *imperium in imperio* and have hitherto been content in developing their own resources and improving and ameliorating, as best as they could, the condition of their people, and as much as possible co-operated with the Paramount Power coming to its aid when such co-operation or aid was needed, but no machinery ever existed for a united action with regard to either, for Imperial purposes or for the development of their Order generally or of the whole of India. The time has, however, changed and the self-sufficiency of these States has gradually been vanishing before the spread of civilisation and freedom of communications and there has arisen community of interests between these States and British India making them more or less economically inter-dependent on one another in matters which are common to all the States and of joint interest to them as well as British India, the two halves in which the Indian Empire exists linked and held together by the Paramount Power. The development of trade, commerce and fiscal necessities have been exercising a levelling influence on the life of the people. These signs of the times cannot be ignored, nor can they be misread, nor the fact that the various influences that are at work have been entering into our very fabric bringing unification of thoughts and ideas in the people. Up till now no constitutional form of Government existed in India; now it is the wish of the illustrious authors of the Report that a constitutional form of Government should be given to British India by securing for her people a progressive realisation of responsible Government, in order that the Indian Empire "may have an honorable position as an integral part of the Empire". Any reconstitution of the present constitution of the Indian Empire, therefore, cannot be complete without considering the position of these Indian States which embrace one-third of the area of the Indian Empire and one-fourth of its population. The problem is as intricate as it is complex in its nature and it had presented peculiar difficulties for solution which the illustrious authors of the Report have, after consulting some of the leading Princes, most tactfully tackled. The illustrious authors of the Report have, so far as it is compatible

Report on Indian Constitutional Reforms, paragraph 312.

Report on Indian Constitutional Reforms, paragraph 306.

"without impairing their rights, dignities, *izzat* and privileges secured to them by mutual treaties and engagements and *sanads*". The care and solicitude with which the question has been faced are worthy of the two distinguished statesmen who have formulated the scheme, and our Order must acknowledge with gratitude the scope which has been given for our self-development without affecting our internal autonomy which we prize so much. We must also be grateful for the handsome acknowledgment of what little our Order could do to help the Empire in the titanic struggle which has recently been brought to a glorious conclusion, and also for recognition of the fact that the "Empire's quarrel was our quarrel". We are also grateful for the sympathetic feelings, the noble sentiments,

Report on Indian Constitutional Reforms, paragraph 298.

and the high motives which actuated the noble authors of the Report in framing their recommendations.

3. In order to meet the growing needs of the time, the introduction of a machinery capable of responding to each other's needs and aspirations, is the keynote of these proposals, and this noble purpose cannot be served unless the galaxy of the Indian States are constituted into a well-ordered constellation by bringing them more in touch with His Excellency the Viceroy and by forging a new link between the States and British India. This is meant to be done by the creation of a new factor to be called the Princes' Council, an idea which has been in development since the régime of Lord Lytton without affecting the internal "autonomy" of the various units which the whole system is composed of. This is meant to be effected by keeping three safety valves in the machinery as follows:—

(a) The first and foremost of these is the option left to the States themselves whether to enter into the scheme or not. For the proposal says that "it would be a strange reward for loyalty and devotion to force new ideas upon those who did not desire them".

Report on Indian Constitutional Reforms, paragraph 300.

(ii) By assuring that the "rights, dignities and *izzat*, and privileges secured to them by treaties, *sanads* and engagements or by established practice", will not be affected by these constitutional reforms.

Report on Indian Constitutional Reforms,
paragraph 305.

(iii) By leaving the States free as hitherto "for direct transaction of business between the Government of India and the States."

Report on Indian Constitutional Reforms,
paragraph 306.

4. Thus leaving the mainspring of the machinery intact and by strengthening the existing links and forging the still closer ones in the mighty chain of relationships between the Government and the Indian States other parts have been proposed to be changed or introduced for the smooth working of the machinery as a whole. The scheme, as proposed by the noble authors of the Report under paragraph 302 of the Report, appears to be intended for only important States. The terminology "important" seems to have been further explained to comprise only those States which are fully autonomous. This criterion to my mind would create heartburning to many otherwise important States as they will be deprived of the benefit of the scheme, although I think on an examination of the Treaties the Government can accord in full the inherent sovereignty to some of the States by divesting itself of any residuary jurisdiction which it may be exercising in practice but which is not warranted by the exact terms of the treaties, thus bringing them under the category of fully "autonomous States". Nevertheless there will be others whose status on account of their historical traditions, size and population may be considered equally important and these States are likely to be left out by the recommended differentiation. Therefore, I think, it would be advisable to include all hereditary salute States for the purpose of the scheme in general, effecting further differentiation for particular purposes of the scheme, as for instance, (1) for direct relations with the Paramount Power, and (2) for Council purposes. As regards first, the basis of differentiation ought to be the Treaty rights of the States. Therefore all fully autonomous Treaty States in the enjoyment of hereditary salutes should be classed under one group for the purpose of (1), and for (2) the Rulers of all States enjoying a hereditary salute of 15 guns and over and such others of recognised importance on account of their historical traditions, size and population should be made eligible for seats in the Council. The Rulers of these States should have personal votes and others should have seats in the Council by election and should be represented collectively. This will leave a certain number of States which will not be eligible for individual seats in the Council. For these States the question of constituting provincial Councils may be considered with advantage.

5. For speedier transaction of business and for bringing the States more in touch with the Government it has been proposed that all important States should be placed in direct political relations with the Government of India, *i.e.*, in future their correspondence should pass through only one intermediary. This will lead to some important changes in the existing machinery and probably in the cadre of the Political Department. We cannot ignore the fact that this machinery has an excellent record in the past and has played a very important part in developing the resources of many States; nor can we pass over without paying our grateful thanks to those Political Officers of the old school who cemented the friendship of the State and are still cementing it with the Government. It is not that we are less appreciable of the useful part this machinery has played in the past, but we are more apprehensive of a greater and more delicate task before it which the exigencies of the time require. And if I am permitted to say so, I may add that, in order to be a complete success, the future machinery must have in it some elements introduced so as to be fully responsive to finer touches while playing its double rôle, the mouthpiece of the Government and the custodian of the Imperial policy as well as the interpreter of the feelings, sentiments and the aspirations of the Indian States.

INTERVENTION.

His Excellency the Viceroy, who is responsible to His Majesty's Government at home for the safety and good government of the Indian Empire as a whole, retains in his hands a right of timely intervention in the Indian States though the States are fully "autonomous"

in their internal affairs. The Report points out that this autonomy secured to the States by a

particular clause in the treaties "has not in the past precluded and does not even now preclude interference with the administration by Government". This right the distinguished authors of the Report wish to have kept intact in future. "The guarantee to a Native Ruler against the risk of being dethroned by insurrection necessarily involves a corresponding guarantee to his subjects against intolerable misgovernment" is a theory propounded by Sir C. L. Tapper and Sir Lee Warner. As the time has considerably changed since his theory was propounded and the ideas of the people have been changing with it and as the Rulers are gradually becoming educated and enlightened, there is very little chance of any rising or insurrection of the people against their Rulers. However, on this basis if intervention becomes necessary it may be tolerated, but not interference on any other paltry

round as it is likely to happen, *e.g.*, from constant complaint of a ring of disaffected and discontented subjects of a State or on the public comments of political agitators. Against these the position of the Princes must be safeguarded. Hence a great caution and discretion will have to be exercised when or not any action is needed, and my humble view on this point is to follow a policy of "watch and wait" rather than of taking a hasty step which would do more harm than good by preventing the matters from settling themselves in their natural course. It is only on the ground of intolerable misgovernment and flagrant misrule that any action will be justified. The degree of so-called misgovernment which will be tolerated and the consequences that will follow will, I presume, depend on the nature of each particular case and in extreme cases might lead to trials of the Rulers if that be the meaning of the illustrious authors of the Report. In this respect I may point out that the very idea of putting a Ruling Prince on his trial is shocking to the Indian mind, though such instances may not be wanting in the past. As an improvement is being made in every direction leading to the reconstruction of the machinery, why not an improvement in this very idea itself?

"Man must pass from old to new
From what once seemed good, to
What now proves best".

By this it is not meant that misgovernment or misrule is to be tolerated and supported but nothing short of "flagrant misgovernment" should set the machinery in motion, and this machinery must needs improve. Until the people are not so much advanced as to exact from their Ruler the proper discharge of duties towards them, some machinery must exert its influence on him in serious cases and, if ever such occasion arises to try him, let him be judged by his peers at the instance of the Paramount Power. But the machinery should be set in motion from the top and not from the bottom and the commission that will enquire into the case should have in its composition some members on behalf of the Princes, as even in a small *Punchayet* the parties are not denied of having their own nominees.

TREATY RIGHTS.

It appears that some of the States have apprehension that their treaty rights, privileges and prerogatives have a tendency of being gradually frittered away. So to reassure them it has been suggested to have the treaties standardised and codified. It is not clear how this is going to be effected and in what way the process is to be operative. This may lead to the initiation of a new principle, if not exactly a change of policy. If it is meant to classify the States as explained in paragraph 4 of this note, to ascertain the exact position held by the States according to their treaties, the proposal is quite welcome. But when it is said that they are to be "reviewed" it sounds a note of alarm, as such review cannot be done without entering into the terms of the treaties. The process to be adopted must level up and not level down. I need not say that the treaties are sacred relics to both the parties and the "keeper of our conscience", the "plighted faith" of the people through their representatives. The spirit as well as the letter of these treaties is of great importance. The development of the British system has rendered the provision of some of the treaties a little irksome and at times they block the completion of Government projects. New Departments arise and inaugurate new policies which pay very little regard to the prescriptive rights of the Native States. A growing corollary of the theory of imperial partnership seems to be that the Government is not necessarily bound by treaties which are considered obsolete. This school of thought which considered the treaties to have served their time and to be now obsolete is gradually growing and, unless a strong policy of scrupulous maintenance of treaties is declared, we must be apprehensive of a danger ahead, for once that idea is supported and we begin to think that the treaties can be changed when necessity arises we do not know where it will lead to. The conditions and circumstances under which the treaties were made might have changed, but the documents still exist and if they can be reviewed in the light of the case law which has grown up around the treaties what certitude there is that the terms which will now replace the originals would stand the test of time, not to speak of centuries? So in each changing circumstance they will have to be changed and in every period the original is likely to be whittled away. But our Order must acknowledge gratefully the assurance already given by His Excellency Lord Chelmsford in his public utterances, first in his inaugural speech at the Conference of the Ruling Princes and Chiefs on the 13th October 1916 in which a declaration has been made in the following significant words :—

"These treaties are sacred and I can assure you that it will be my earnest desire to maintain them not only in the letter but in the spirit in which they were framed." And secondly in his memorable speech at Dhar on the 13th August 1918 in which His Excellency said "I need not assure Your Highness that the Government of India are concerned to safeguard the rights, privileges and interests of the relatively small States no less than those of their larger neighbours and welcome the Rulers equally cordially as partners and co-workers". These assurances, I am thankful to say, will have gone a considerable way towards removing our apprehensions and allaying our anxieties.

JOINT DELIBERATION ON MATTERS OF COMMON INTEREST.

This is a very complex subject and is not so simple as it appears to be, as, while giving practical effect to the principle enunciated, many difficulties will arise and will have to be very cautiously dealt with; underneath this principle flows the idea of "give and take," a necessary corollary of our Imperial partnership and how far our Order will be prepared to accept this idea can only be seen from results. The Princes will not wish to have their domestic matters discussed, nor the people in British India wish that the Princes should have any voice in any matters domestic of British India. The influences of the time, however, cannot be ignored; they are not respecters of persons and are making us every day economically interdependent. On matters of common interest, therefore, though theoretically we are "isolated", our people are being daily affected and it is not possible to check the inrush of the torrent by raising artificial sand bars. Face it we must boldly and we must turn it to our best advantage. By natural process what is needed is being done, then why not an adoption of a common platform to stand upon for exchange of our views on matters of joint interest and those that are of vital interest to India, as a whole, so that our energies may be combined for the good of us both and of India generally and that actions taken in all cases of joint interest may be to our mutual advantage. For not having a machinery of this nature for joint deliberation, the Indian States have been "vitaly affected in the past by decisions taken without reference to them." And our Order must be grateful to the illustrious authors of the Report for recognising the fact that "the States have a clear right to ask for it in future". The principle being settled, we are to recommend a procedure which would be suitable to our Order.

Report on Indian Constitutional Reforms,
paragraph 311.

My humble view on the point is that it will not be advisable to compromise the position of the Princes by saddling them up with business of any assemblies in British India, but the interests of the States can best be served and safeguarded if such matters are discussed by joint committees of the representatives of the States (unless any Prince wishes to personally represent his State) as well as of British India. An equal number of representatives of States can meet an equal number of dignitaries of British Provinces and deliberate upon matters of joint interest to both and their resolutions on a particular bill may, before it is passed into a law, be placed by the Government before the Princes' Council for their views.

9. These observations will throw some light on the replies I now give point per point as they are in the Agenda, and I may also mention that, as the full extent of the administrative changes which are likely to be sanctioned for British India is not known, the standpoint of our Order may vary if the principles on which the scheme is based are changed or materially affected by any untoward decisions.

I.

LINE OF DIVISION.

For the purpose of the scheme in general the differentiating line should be between all the States which enjoy hereditary salutes and which do not. For the purpose of the particular recommendations of the scheme, *e.g.*, (1) direct relations with the Paramount Power, and (2) Princes' Council, further differentiation appears necessary. Therefore all treaty States fully autonomous under the terms of their treaties and in the enjoyment of hereditary salutes should be classed under one group for the purpose of (1) and for (2) the Rulers of all States enjoying hereditary salutes of 15 guns and over and such others of recognised importance on account of their historical traditions, size and population may be separately classed from others.

(2) To simplify, standardize, etc. This is a general question and vital to the States which should better be left to the deliberation of a special sitting of the Council.

(3) Princes' Council should be established with the following constitution :—

The Rulers of all States enjoying hereditary salutes of 15 guns or over and such others of recognised importance on account of their historical traditions, size and population should be eligible for seats in the Council. The Rulers of these States should have personal votes and others should have seats in the Council by election and should be represented collectively. This will leave a certain number of States which will not be eligible for individual seats in the Council. For these States the question of constituting Provincial Councils may be considered with advantage.

(4) Standing Committee. If necessary, such a committee may be appointed annually by the Princes' Council, but it should have no independent status. The Committee should be composed of members on territorial basis. The business to be entrusted to this Committee may be also disposed of by co-opting members from different territorial groups for questions affecting and arising in such territorial areas, and in view of this alternative an appointment of a permanent Secretary may be considered.

(5) Settlement of disputes.

Inter-statal disputes should be decided by the Government with the advice of a commission. With regard to a dispute between a State and the Government, a commission should be

appointed and an appeal on either's motion should lie to the Secretary of State. The commission to be granted on the option of the concerned.

(6) We want that enquiry should be made by commission, but the matter should be decided by His Excellency the Viceroy in consultation with the Princes' Council. In the commission of enquiry out of the additional Members the Prince concerned should be allowed to have at least one member of his choice.

(7) I agree; but the word "important States" is vague and should be defined and the different relation should be based upon autonomy which in its turn should be decided according to the treaty relations as mentioned above.

(8) Joint deliberation.

This committee or body should be made of equal number of representatives from the States and the same number of members from the dignitaries of British Indian Provinces.

II.

The question of precedence of Ruling Princes, *inter se* in social functions, bristles with difficulties. Nevertheless if it is a help to the Government, our Order should try to find out a solution. To my mind the usual precedence should be observed and when the question of choice comes as to whom precedence should be given in a group of Princes enjoying equal status, the choice must rest with the host who would invite them.

UDAJI RAO PUAR,

Maharaja of Dhar.

APPENDIX E.

**OPINIONS RECEIVED FROM RULING PRINCES WHO WERE
UNABLE TO ATTEND THE CONFERENCE.**

Views of His Exalted Highness the Nizam of Hyderabad.

Extract from a note, dated the 4th November 1918, by the Assistant Minister, Political Department, Hyderabad State.

His Exalted Highness, while appreciating the courtesy of the Government of India in inviting him to express his views on the points above mentioned, does not consider it necessary to add anything to the specific views which have already been expressed by him in his confidential Note, dated the 1st December 1917, which was forwarded to His Excellency the Viceroy, and a copy of which is attached for easy reference. In that note the Nizam has already anticipated the points involved in the recommendations now under consideration, and he considers that it fully embodies his views, to which he still adheres. Should unhappily at any time any instance occur involving any question affecting directly or indirectly the rights, dignity, honour, powers and privileges to which the Ruler of this State is entitled under treaties with the British Government, His Exalted Highness feels that he can always approach the Viceroy in the matter, and, if absolutely necessary, could appeal to His Majesty's Secretary of State or to the British Parliament. His Exalted Highness is still of opinion that this course is better suited to his dignity as the Sovereign of the Premier Native State in India than entrusting his case to representatives to be discussed in public.

By order,

(Sd.) FARIDOON MULK,
Assistant Minister, Political Department.

NOTE.

At the present time the grant of Home Rule for British India is under discussion, and I understand that the claims of the Ruling Princes to be considered in any constitutional reorganisation are being put forward in certain quarters.

It is not for me to say anything on this subject in so far as British India is concerned. As one of the Ruling Princes aptly observed at the Chiefs' Conference at Delhi the other day, I have no desire to interfere with the affairs of British India any more than I wish British India to interfere with the internal affairs of my State. It is a golden rule, always observed by my ancestors, and notably so by my late father, who strictly confined his activities to his own State alone, and never took any official part in affairs outside his dominions. Nor, so far as I am aware, do any of the published Home Rule Schemes avow any present intention on the part of the framers to include the Indian States within their scope, although certain sections of the Press, I notice, have not abstained from publishing the nature of their future anticipations. But on the subject of constitutional reform, as it may involve the relations between the Ruling Princes and the Government of India, I feel that it will not be out of place for me to make a few remarks.

I may observe at the outset that I succeeded my late lamented father only about seven years ago, and consequently my knowledge of affairs and my experience are limited, and do not extend beyond my own State.

Various proposals have been put forward as regards the necessity for the Indian States participating in this general movement. It is suggested that the Princes should claim representation in the Councils of the Empire with regard to matters which affect their own particular States, and also in matters affecting British India and the States jointly. With this object in view it has been proposed, I believe, that some of the principal Indian States should move that their representatives be appointed to the Imperial Legislative Council, and

that at least one Ruling Prince or a representative appointed on behalf of all the Ruling Princes should have a seat in the Viceroy's Executive Council, to take part in discussions affecting both British India and Indian States.

I am of opinion that in such Imperial matters and internal affairs as may affect both British India and the Indian States jointly, it would be advisable if the Government of India consulted the Ruling Princes on these points before arriving at any final decision. The Government of India would then be in a position to have before them the views of the Ruling Princes whose States would be included in the decision of any great question affecting both British India and Indian States jointly. For instance, any fiscal or currency policy of the Government of India which would affect both Indian States as well as British India should first be intimated to the States concerned, and their views obtained by any suitable method before any final decision is reached. As regards Imperial affairs of first importance, a great step has already been taken in advance, and a concession of the most far-reaching consequences has just been granted by the King's Government to the Indian Princes as a body by the inclusion of one of their number among the three representatives of India at the Imperial War Conference of Great Britain and her Dominions, which was held recently in London. The representation of India in the Councils of the British Empire was an epoch-making event both for India and the Indian States, and it is hoped that in future the Ruling Princes will be given their due voice in the discussion of Imperial issues of importance.

Apart from what I have stated above, I see no reason why the present system, which has existed for considerably over a century between the Government of India and my State, should be disturbed. I fail to see how any change would benefit either the interests of my subjects or my own sovereign status, which has been preserved by the scrupulous observance of my treaties, status, rights, honours, dignities and privileges as promised by the Proclamation of Queen Victoria in 1858, and as assured anew by the late King Edward VII and His present Majesty King George V in their public pronouncements. Should my State have a grievance, it can now approach the Viceroy about it, and, if absolutely necessary, could appeal to the Secretary of State or to Parliament. This procedure, in my opinion, is better suited to the dignity of Sovereigns than entrusting their case as it were to representatives to be discussed in public. These reasons probably actuated the Government of India to decide that no question should be put in the Legislative Assemblies of British India about Indian States. So far as I am concerned, I should not like any questions affecting my State being determined on the advice of other Ruling Princes, or of their representatives, Hindus or Muhammadans. I am inclined to think that if this procedure was adopted, it would contravene the essential principle that each Prince is a Sovereign who is entitled to conduct his business direct with the British Government, without the intervention of other Indian States, or of any Legislative Assemblies of British India. There are, I believe, as many as 600 Indian States, varying from great dominions down to small territories of a few square miles each. I imagine there is no great similarity between any two States, as regards their origin, historical relations with the British Government, or their political development. It seems to me therefore that it would be difficult for any one Ruling Prince to represent the rest as far as internal affairs are concerned. Personally, I think that Hyderabad has nothing to gain by asking for an alteration in the present system with regard to the relations between the State and the Viceroy. I know that I have free access to the Viceroy (who is always an eminent English Nobleman and a sympathetic representative of a sympathetic King-Emperor) and that I can approach him through the Resident, who corresponds generally with the King's Ambassador at the Court of a European Sovereign.

For these among other reasons, which need not be enumerated here, I am of opinion that the existing system should be continued at least for the present. My State is quite satisfied with it. Should, however, in the future, any changes be considered necessary, it will be time enough then to think about them.

I may add in conclusion that, following in the steps of my late father, I have hitherto abstained from attending the Conference of Ruling Princes assembled at Delhi, and it is my present intention to keep to this rule. The circumstances connected with each Indian State are different, and what may suit one State may not suit another. It is, therefore, my wish to continue the procedure which my late father followed. If I have any special request to make on behalf of my State to the Government of India, I prefer doing so direct to the Viceroy through the proper channel, instead of submitting my request through a representative body, however distinguished that body may be. And I feel sure that whenever the Viceroy wishes to ascertain my views upon any subject His Excellency will give me, and such other Ruling Princes as do not take part in Conferences, an opportunity of expressing my opinion by individual correspondence, in the same way, for instance, as Lord Minto afforded my late father, by consulting him about the general question of sedition in India in the year 1902.

[Signed by His Exalted Highness.]

1st December 1917.

Views of His Highness the Maharaja of Mysore.*Memorandum dated the 11th October by the Dewan of Mysore State.*

The views of His Highness' Government are given against each of the recommendations. The concluding observations which follow contain the general opinion of His Highness' Government on the recommendations as a whole, besides one or two suggestions on matters not referred to.

Paragraph number and recommendations made therein.

Views of His Highness' Government.

302

(1) That, with a view to improve future relations between the Crown and the States, a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others.

In the opinion of His Highness' Government, this is a desirable measure.

305

(2) That, with the consent of the Rulers of States, their relations with the Government of India should be examined, not necessarily with a view to any change of policy, but in order to simplify, standardise and codify existing practice for the future.

So far as this State is concerned, its relations with the Government of India are expressed in the Mysore Treaty of 1913. This Government would welcome such an examination in order to simplify, standardise and codify existing practices for the future as stated, *provided* the practices are in consonance with the spirit of the Treaty and the declared policy of non-interference in the internal administration of the State.

It is desirable that this enquiry should be entrusted, if possible, to a Committee composed of a Senior Judge of a High Court and a representative each of the Government of India and of the State concerned.

In the Darbar's view it is very necessary that the opportunity should also be taken to concede to the State the fullest freedom, compatible with Imperial interests, for its industrial and economic development.

His Highness' Government welcome the assurance in paragraph 305 of the Report that no constitutional changes which may take place will impair the rights, dignities and privileges secured to the Princes and their States by Treaties, Sanad and Engagements or by established practice.

306

(3) That a permanent Council of Princes should be established.

His Highness the Maharaja has never been enthusiastic about the need of such a Council. By this form of numerical representation the larger and more progressive States will not wield their legitimate influence in the Assembly, at all events not to the extent of their importance or commensurate with their population or magnitude of their interests. The largest or the most advanced State gets the same representation as the smallest or the most backward. The proposed Council is also open to the objection that all Ruling Princes may not be able to visit Delhi, and their position as Sovereign Princes places them at a disadvantage for the discussion of political questions. Some of the Princes may not care to expose themselves to criticism by taking sides on current public questions. For these and other reasons, the Council will not correctly represent the views and interests of all the Indian States.

Paragraph number and recommendations made therein.

Views of His Highness' Government.

307

(4) That the Council of Princes should be invited annually to appoint a small Standing Committee.

An annual Conference of Princes on the present basis, that is, without a rigid constitution, may be of some social and educative value and help also in the protection of the rights and privileges of Princes and their States.

As at present advised, His Highness does not propose to attend this Conference or the Council of Princes, if one is formed, but he would like to have the option of sending a representative to the Council, if he considers it desirable to do so.

His Highness' Government are glad to observe that the direct transaction of business between the Government of India and any State would not be affected by the institution of this Council.

308

(5) That, where the Viceroy thinks this desirable, Commissions of Enquiry should be appointed in regard to—

(a) the settlement of disputes between the Government of India or any Local Government and a State or between one State and another; and

(b) the decision of cases where a State is dissatisfied with the ruling or advice of the Government of India or of any of their local representatives.

A Committee like what is proposed would be an advantage only if the whole-time services of specially qualified eminent men could be engaged and they are stationed at the Headquarters of the Government of India. In any case, the States which choose to remain outside the Council of Princes should be separately and adequately represented on the proposed Committee, due regard being had to their size and relative importance.

The proposals seem generally suitable but His Highness' Government would add that the responsibility for a final decision in all important matters should rest with the Government of India, except when the Government of India is unable to accept the finding of the Commission or is itself a party to the dispute. In the latter event, the case might be referred for decision by the Secretary of State.

In the Darbar's opinion the value of this concession would be enhanced if the State concerned is also given the option of having such cases referred to a Commission.

309

(6) That, when questions arise of depriving the Ruler of a State of his rights, dignities and powers, or of debarring from succession a member of his family, they should always be referred to a Commission to be appointed by the Viceroy to advise him.

Same remark as clause 1 against (5).

310

(7) That, as a general principle, all important States should be placed in direct political relations with the Government of India.

This is a desirable change provided the portfolio of the Political Department continues to be held by His Excellency the Viceroy.

Paragraph number and recommendations made therein.

Views of His Highness' Government.

311

(8) That means should be provided for joint deliberation between the Government of India and the Princes on matters of common interest to both.

His Highness' Government have always contended that provision should be made for deliberation between the Government of India and the Indian States on matters of common interest to both. The Darbar are glad that this claim of the States has been clearly and expressly recognised. But questions of common interest can be effectively deliberated upon only in a common Chamber consisting of the delegates of the States and of the representatives of British India. His Highness' Government entertain no apprehension that the representation of Indian States in a second Chamber of the Government of India would infringe the doctrine of non-interference on the part of the Princes in the affairs of British India. Nor would such an arrangement lead to interference by representatives of British India in the affairs of Indian States. As stated in paragraph 312 of the Report "the trend of events must draw them (Native States) still closer into the orbit of the Empire, and the process need give rise to no alarm lest their internal autonomy be threatened". His Highness' Government are inclined to endorse the view of the Right Hon'ble the Secretary of State who stated in the House of Commons on the 6th August 1918 that the "Second Chamber would indicate the road along which in due course and when they wished to share great Imperial purposes, the Princes of India who were now rather isolated in constitution, might join the upper house in deliberating common affairs". In the opinion of His Highness' Government, joint consultation between the Council of Princes and Council of State or between the representatives of these bodies would not be a satisfactory arrangement.

Concluding observations.

His Highness' Government are of opinion that the proposals contained in paragraphs 302, 305, 308 and 310 of the Report have reference exclusively to the relations of the States to the Government of India and might have been made at any time independently of the contemplated reforms in the constitutional machinery of the Government of India.

The proposals which are closely connected with the Scheme of Reforms are only three, viz :—

- (1) the creation of a Council of Princes ;
- (2) the establishment of a Standing Committee of that Council ; and
- (3) provision for joint deliberation on matters of common interest.

The Standing Committee for all practical purposes may be construed as forming part of the Scheme of Council of Princes.

Paragraph number and recommendations made therein.

Views of His Highness' Government.

A Council of Princes may be of some use for the protection of the dignity and privileges of the Ruling Princes and may, as stated above, be of value also as a social and educative measure. But it cannot, in the opinion of His Highness' Government, deal satisfactorily with matters relating to the Indian Empire as a whole. That work can best be done only by the representatives of the States sitting, along with the representatives of British India, in one of the proposed constitutional Assemblies of the Government of India.

M. VISVESVARAYA,
Dewan of Mysore.

11th October 1918.

Views of His Highness the Maharaja Gaekwar of Baroda.

Extract from a letter No. R-514, dated the 20th September 1918, from the Dewan, Baroda State, to the Resident at Baroda, embodying the views of His Highness the Maharaja of Baroda.

* * * * *

2. The distinguished authors of the Report have rightly recognised at the outset the existence of a perturbing feeling in the minds of some Princes that the measure of Sovereignty and independence guaranteed to them has not been accorded in full in actual practice and that a tendency has been manifested by the Political Officers to level down distinctions of rights and status by uniformity of treatment. If a definite line is drawn separating Sovereign Princes who enjoy full autonomy in all their internal affairs from others who do not, in order that the future relations between the Crown and the Sovereign States may be improved and their full internal autonomy restored, His Highness' Government would consider the move to be on the right line.

3. With regard to the proposed standardisation and codification of Treaties, His Highness' Government cannot view with favour any such attempt. It is apprehended that such an endeavour may only have a levelling and corroding influence upon the superior Treaty Rights of individual States. The Report correctly recognises that the Indian States range widely from Sovereign States with full autonomy in all their internal affairs to States in which British Government have assumed large powers of internal control. Uniformity of standards and codified methods of interpretation will tend to obscure these important distinctions of status no less than uniformity of nomenclature does now.

A tendency has lately grown in certain official quarters to regard Treaties and Engagements as obsolete and antiquated, and to interpret them in the light of relations that have been established by a body of case law subsequent to their first execution. The report rightly recognises the existence of a feeling of uneasiness in the minds of the Princes regarding this tendency to whittle down the rights and privileges secured by solemn Treaties and His Highness' Government trust that this tendency will be rectified in all future interpretations of Treaties.

What the Ruling Princes have all along desired is a full recognition of their internal sovereignty and a removal of all restrictions on the development of their resources. This

cardinal principle of maintaining inviolate the sovereign status of the Ruling Princes and their internal independence should be the corner-stone of every new attempt to reconstruct the fabric of political relations between the Indian Princes and the Government of India.

4. The proposal to institute an "Advisory Council" of Princes does not commend itself to His Highness' Government. As already communicated in connection with the scheme of the Council of Notables proposed at the time of the Morley-Minto Reforms, "a merely ornamental advisory body would scarcely be a useful organ." It would be more desirable to have a properly constituted deliberative assembly with well defined powers to deal with matters applicable to all the States generally as well as questions of common interest between British India and the Indian States. It is proposed instead to call at this stage only an Advisory Council of Princes to be consulted on such questions affecting the States generally which the Viceroy would decide to refer to them. But the utility of even such a Council is likely to be greatly impaired if little initiative is left in their hands. The Princes should be free to interpellate and suggest to Government suitable questions on which their considered opinion may be helpful in removing the several disabilities under which they are labouring. Their suggestions should find ready acceptance on the agenda, which should be finally settled by a Working Committee of Princes, on which the Secretary, Political Department, should also be asked to work as one member and formally approved of by the Viceroy.

To get any substantial benefit from the formation of such a Council it is necessary that the existing restrictions on mutual intercourse and interchange of ideas between the Princes should be removed. This method of working is entirely new to the Princes and they could get a better appreciation of the various subjects if they could freely exchange their views before attending the sessions of the Council.

His Highness' Government note with approval that the institution of the proposed Council of Princes is not intended to supplant the direct transaction of business between the Government of India and any State; for no advice given by any such consultative body can take the place of individual negotiations required by Treaty obligations. The preservation of the right of dealing direct with the Government of India should in fact be an absolute *sine qua non* of the working of any such general Advisory Council.

It is suggested that any line of distinction drawn between the Sovereign States which enjoy full powers and others which do not, should not disqualify the latter from forming part of the Council of Princes, which it should be the endeavour of Government to make as largely representative as possible. Moreover, the membership of the Council of Princes should be entirely voluntary.

5. The Standing Committee of Representatives should be raised to the status of a Political Board. The advice of such a Board may be of great help to the Political Department, especially when questions involving an intimate knowledge of custom and usage come up for decision. Such a Political Board, however, cannot have much scope for usefulness unless its tenure is extended to from 3 to 5 years.

6. The principle of referring questions of dispute between two or more States, or between a State and a Local Government or the Government of India, to a Judicial Commission is sound. The Report, however, has recommended only its qualified recognition; and the reservation making it available only where the Viceroy thought such a reference desirable is obviously unsound, as the Government of India may often themselves be a party to such dispute. The proposal leaves much room for improvement and it is suggested that—

- (a) reference to such a Commission should be left to the option of either party;
- (b) the Commission should not be only a consultative body making a report to the Viceroy but a deciding Judicial Tribunal; and
- (c) its decision should be subject to an appeal by either party aggrieved to the Judicial Committee of the Privy Council.

7. Similarly, as regards the proposed Commission of Enquiry into the alleged misconduct of a Ruler, the opinion of the Commission so appointed to advise the Viceroy should be—

- (a) referred to the Secretary of State for final orders; and
- (b) the Ruler aggrieved with such orders should have the right of appeal to the Judicial Committee of the Privy Council;
- (c) the Ruler complained against should have an adequate right to challenge the nomination of any Commissioner proposed to be empanelled for the enquiry; and
- (d) the same safeguard of enquiry should be available when it is proposed to debar him from succession or withhold from him any powers of a Ruler to which he has an inherent title.

8. The proposal to place all important States in direct political relations with the Government of India does not affect Baroda. What is more necessary, however, is the correct recognition of the proper functions and the place of the British Resident. His position should be only that of diplomatic representative accredited to the Ruler's Court; and his functions only of a channel of communication. He should have no power to withhold any letter or message intended for transmission and no judicial or supervisory powers in the State.

9. The Reforms' Report considerably assures all the Princes that no constitutional changes which may take place will impair the rights, dignities and privileges secured to them by Treaties and Engagements. It is accordingly suggested that the changes alluded to above should be effected by a Royal Message or Proclamation and not by any Legislative enactment on the Statute Book of the Realm.

10. There is little further to urge in connection with the other Reforms outlined in the Report. It is confidently hoped that the joint deliberation on matters of common interest by the deliberative Assembly referred to in paragraph 4 above and the representatives of British India will be really effective; and no matter vitally affecting the interests of the Rulers should be decided without free and frank deliberation with all the States concerned.

11. The Reforms proposed for discussion have been sketched necessarily on too general lines and until fuller information is furnished on all their bearings and the merits of their working have been seen for some years, His Highness' Government feel their inability to give any definite and final opinion on their value. They have many points to commend them, but they can only produce the desired result if they are carried out in actual practice in the same noble spirit in which they have been conceived.

Views of His Highness the Maharaja of Travancore.

Extract from a letter, dated the 24th August 1918, from the Diwan of Travancore, to the Resident in Travancore and Cochin.

The views of the Darbar are as follows :—

(1) *That a permanent Council of Princes should be established.*

In paragraph 306 of the Report it is stated that this Council would be a permanent consultative body and that the Viceroy would refer to it the questions which affect the States generally and other questions which are of concern either to the Empire as a whole or to British India and the States in common. The latter class of questions form the subject-matter of recommendation No. (5) as given in your letter and will be dealt with separately. Questions which affect the States generally would naturally fall within the province of the Council. The Darbar appreciates highly the value of such an institution but doubts whether it would be convenient for all the Princes forming the Council to attend its meetings regularly, especially for those who, as in Travancore, are at great distance from the Headquarters of the Government of India. It is possible that important conclusions may be arrived at by the Council in the absence of a Prince whose State may be seriously affected thereby. It is worthy of consideration whether, in such cases, arrangements should not be made for the recorded views of the Darbar concerned being placed before the Council and the Government of India.

(2) *That the Council of Princes should be invited annually to appoint a small Standing Committee.*

The Darbar has no particular suggestion to offer on this point. In paragraph 307 of the Report it is stated that the Viceroy or the Political Department may refer to this Committee questions affecting the Native States which come up for decision in the Political Department especially matters of custom and usage, with a view to obtain advice as to the right course to pursue. The functions of the Committee as thus stated are, it is noted, more limited in scope than those of the Council as explained in paragraph 306 of the Report. The special provision that no reference affecting any individual State would be made to this Committee without the concurrence of its Ruler is one to which the Darbar attaches considerable importance.

(3) *That where the Viceroy thinks it desirable, Commissions of Enquiry should be appointed in regard to :—*

(a) *the settlement of disputes between the Government of India or any local Government and a State, or between one State and another, and*

(b) *the decision of cases where a State is dissatisfied with the ruling or advice of the Government of India or of any of their local representatives.*

(4) *That when questions arise of depriving the Ruler of a State of his rights, dignities and powers, or of debarring from succession a member of his family, they should always be referred to a Commission to be appointed by the Viceroy to advise him.*

These two recommendations are dealt with in paragraphs 308 and 309 of the Report in which the constitution of the proposed Commissions is also explained. The Darbar thinks that these proposals are sound.

(5) *That means should be provided for joint deliberation between the Government of India and the Princes in matters of common interest to both.*

This question is dealt with in paragraphs 157 and 311 of the Report. The Darbar is deeply sensible of the advantages of this proposal and attaches importance to the need for 'deliberation between the Government of India and the Princes on matters of common interest to both and so as to ensure that as far as possible decisions affecting India as a whole shall be reached after the views of the Darbars have been taken into account.' The exact form in which effect would be given to the proposal is not definitely stated, though some suggestions with reference to it are made in the concluding portion of paragraph 311 of the Report. The Darbar would suggest, in this connection, that in the discussions between the Government of India and the Princes in regard to matters of common concern to both, the popular element in the Government of British India under the proposed reconstitution may not be given a voice, as such a course would not be quite in harmony with the political relationship between the Government of India and the Princes. This relationship, which is often based on Treaty obligations, has special features about it which it is desirable to retain intact, unaffected by the constitutional changes contemplated in British India.

Views of His Highness the Raja of Cochin.

Letter dated the 1st September 1918, from the Diwan of Cochin, to the Resident in Travancore and Cochin.

With reference to your demi-official No. 77-18-2, dated the 17th August, I write to say that the subject has received the attention of the Darbar. I am to say that the Darbar approve of the five recommendations set forth in the first paragraph of your letter under reply. I am, however, to point out with reference to the proposed Council of Princes that, since the place of meeting will probably be in Northern India, it may not be possible or convenient for Princes from all parts to attend every meeting that may be held. Where a Prince is unable to attend, I am to suggest that a copy of the agenda to be discussed should be supplied to him well in advance of the date fixed for the meeting, so that he may be able to submit his views to the Council. As the Council will be a purely consultative body, it is presumed that the recommendations of the majority will not necessarily commit or bind individual States irrespective of their views, and that matters referring strictly to an individual State will not ordinarily be discussed in Council without the concurrence of its Ruler. Subject to these observations, I am to say that the proposals have the support of the Darbar.

Views of the Pudukkottai Darbar.

Extract from a letter No. 778-Political, dated the 3rd September 1918, from the Political Agent, Pudukkottai, to the Chief Secretary to the Government of Madras.

The Pudukkottai Darbar, reserving any modification of opinion that may be found necessary on ascertaining the views of His Highness, have replied as follows :—

"Recommendation (3), paragraph 306.—We are in favour of the establishment of a Council of Princes, which we consider will be able to render very valuable services both to the Viceroy and to the Ruling Princes. We agree also with the proposals about the holding of the meetings of such a Council, the preparation of the agenda and the conduct of business.

"Recommendation (4), paragraph 307.—We are in favour of the proposal to appoint a standing committee of the Council of Princes, subject of course to the proviso stated, viz., that no reference affecting any individual State would be made to the Committee without the concurrence of the State's Ruler.

"Recommendation (5), paragraph 308.—We infer from the wording of this paragraph that it is intended to differentiate some functions of the Viceroy from those of the Governor-General in Council, i.e., it appears that the Viceroy presumably as representative of the King-Emperor will be given the function of arbitrator or umpire between the State and the Government of India. In such cases we think it would certainly be advantageous to have a commission appointed to advise the Viceroy; the personnel of such a commission, as suggested in paragraph 308, is open to no objection.

"We venture to enquire whether any valid distinction can be drawn between the ruling of the Government of India and the advice of any of their local representatives.

"Paragraph 5 (b). As far as we are concerned, we believe that we are bound to treat the advice of the Political Agent as conveying the ruling or advice of the Government. If there is in future to be any real distinction between the advice of the local representative and that of the Government of India, we imagine that it must be in contemplation to delegate to the local representative some of the powers now exercised by the Government. If that is so, we presume that we shall be consulted before any such delegation is made. However that may be, in the present conditions it appears to us that all the disagreements mentioned in this paragraph can be reduced to the single case of dissatisfaction of a State with the advice or ruling of the Government of India. If we are in direct relations with the Government of India, any disputes between us and another State (from our situation it is hardly possible that any such could arise), or between us and the Local Government, would naturally go for decision to the Government of India, and it would only be in the event of our being dissatisfied with the ruling or advice of the Government of India that a reference to the extraordinary powers of the Viceroy could become necessary.

"Recommendation (6), paragraph 309.—We should welcome the introduction of the procedure suggested in this paragraph.

"Recommendation (8), paragraph 311.—We think it is certainly desirable to provide some means of ensuring that matters of common interest to the Government of India and the Princes are not decided without some joint consultation such as is here indicated."

Views of His Highness the Nawab of Rampur.

Extract from a letter, dated the 13th September, 1918, from the Commissioner, Rohilkhand Division, to the Chief Secretary to the Government of the United Provinces.

As regards recommendations (2) to (6) and (8) the Nawab says that they are calculated to create an atmosphere of better understanding and co-operation between Government and the Ruling Princes and are therefore a step in the right direction, and that they are based on principles which underlie the proposals put forward by the Princes themselves. He further adds that he is grateful that the illustrious authors of the Scheme have been generous enough to accord recognition to the claims of Ruling Chiefs.

Views of His Highness the Maharaja of Benares.

Extract from a letter, dated the 23rd August 1918, from the Private Secretary, Benares State, to the Chief Secretary to the Government of the United Provinces.

The Maharaja gave the proposals contained in the Government of India letter his very best consideration and desires me to state as follows:—

The proposals as they stand connote a radical change in the political relation of the Government of India with the Indian States. The interference of the Supreme Government in the affairs of the States, instead of being of a benevolently despotic and indefinite nature, will in future be on definite and constitutional lines. The future Government of India also at the same time instead of being an Imperial organisation as contemplated and initiated a

the Imperial Durbar of 1877, is to be an Imperial federation in which the States in all stages of development shall be equally treated as units of the federation along with the British Government, which alone of course shall be competent to exercise the rights of the external sovereignty. From being the "pillars of the Imperial edifice" sharing its burden according to their individual capacity these States shall in future have to play the part of the wheels of the administrative chariot in which the sluggish wheel shall be bound to either mend or end itself. The Government of India may not desire "to force the pace," but the pace shall have to be forced in the very interest of the offending wheel. The hope, rather conviction, expressed at the end of Chapter X of the Report "that the processes at work in British India cannot leave the States untouched and must in time affect even those whose ideas and institutions are of the most conservative and feudal character" is bound to be fulfilled at no very distant date.

Whether the new departure from the old established relation will be to the ultimate advantage of the States, and whether it will preserve and foster the ideals of chivalry and personal devotion characteristics of the indigenous rule, and whether the inhabitants of the States deprived of the patriarchal form of Government, while still being under a personal and despotic ruler, will fare better, time alone will show.

As to the concrete proposals themselves. They are stated to be purely optional so far as the States themselves are concerned. They are not applicable universally. It is therefore of not much use to criticise them, from the point of view of the States in general. His Highness would, therefore, discuss them in view of the proposals themselves apart from any other consideration.

(1) PARAGRAPH 2 (2) OF THE GOVERNMENT OF INDIA LETTER AND PARAGRAPH 305 OF THE REPORT.

The proposal is a vague one. It does not say what will be the scope of the examination contemplated, and what will be the practices which it is proposed to simplify, standardise and codify. Unless this is known it is not possible to discuss the proposal fully. But in any case His Highness would strongly deprecate any attempt to examine in detail the individual relation of the States with the Government of India, by interpreting the letters of the original Treaties without reference to case laws. This is bound to revive old and long forgotten controversies and create hopes which it will be impossible to satisfy. Treaties to have any practical meaning must be considered along with the case laws which have grown around them. The result of a minute examination of these Treaties (which were written under circumstances which no longer exist) in the abstract regardless of the case laws will cause more harm than good and should be avoided. The relation of the Government of India with the States has been very clearly stated in the paragraph 297 of the Report, i.e., "the States are guaranteed security from without, the Paramount Power acts for them in relation to foreign powers and other States, and it intervenes when the internal peace of their territories is seriously threatened. On the other hand the States' relations to foreign powers are those of the Paramount Power; they share the obligation for the common defence and they are under a general responsibility for the good Government and welfare of their territories." Nothing can be clearer, and His Highness would leave matters where they are.

(2) PARAGRAPH 2 (3) OF THE GOVERNMENT OF INDIA LETTER AND PARAGRAPH 306 OF THE REPORT.

As the Council of the Princes is to be purely a consultative body, and the transaction of business between the Government of India and any individual State is not to be affected by its institution, and as His Highness understands the decisions of the Council will not be binding upon any individual State, and that its creation will not infringe the natural right of a State to approach the Government of India direct, if it so chooses, the Maharaja gratefully welcomes the proposal of the establishment of a permanent Council of the Princes.

(3) PARAGRAPH 2 (4) OF THE GOVERNMENT OF INDIA LETTER AND PARAGRAPH 307 OF THE REPORT.

The proposed formation of a standing committee of the Council, His Highness is afraid, shall not serve the purpose for which it is intended. Princes of one end of country know little, if not less than the Political Officers of the Government, about the feelings and usages of those of the other end. They are not, and cannot be, in a position, from their own personal experience or the history of their States, to advise the Political Secretary on the right course to pursue in respect of other States. On matters of customs and usages in particular, their advice will be rather more misleading. The standing committee, unless its composition is such as to contain the Princes or Dewans from all parts of India, will serve no useful purpose. However, as it is definitely laid down that no reference affecting any individual State would be made to it without the concurrence of its ruler, there seems to be no harm in its establishment. It may be useful in particular circumstances.

(4) PARAGRAPH 2 (5) AND (6) OF THE GOVERNMENT OF INDIA LETTER AND PARAGRAPHS 308 AND 309 OF THE REPORT.

His Highness fully approves of the proposal of the appointment of the Commissions of Enquiry in regard to—

(a) the settlement of disputes between the Government of India or any Local Government and a State, or between one State and another; and

(b) the decision of cases where a State is dissatisfied with the ruling or advice of the Government of India or of any of their local representatives; and also to advise the Viceroy when questions arise of depriving the Ruler of a State of his rights, dignities and powers, or of debarring from succession a member of his family.

This proposal is sure to be of untold benefit to the Princes and their family and will be hailed as a very valuable concession by the Ruling Princes of India. It is sure to meet a long-felt want and will cut at the root of the feeling of insecurity which the Princes feel under the present circumstances.

(5) PARAGRAPH 2 (8) OF THE GOVERNMENT OF INDIA LETTER AND PARAGRAPH 311 OF THE REPORT.

His Highness fully approves of the proposal that means should be provided for joint deliberation between the Government of India and the Princes on matters of common interest to both; provided that individual States which might be vitally interested in the subject of the discussions are represented on the joint committees.

Letter dated the 16th January 1919, from His Highness the Maharaja of Benares, to the Political Secretary to the Government of India in the Foreign and Political Department.

I am so sorry that owing to an uncompromising attitude taken by my medical advisers I am unable to attend the Conference of the Princes to which it had pleased His Excellency the Viceroy to invite me. I, however, crave permission to make a few remarks upon the subjects which, as the agenda says, will be discussed at the meeting.

I have already expressed my opinion on certain proposals contained in Chapter X of the Reforms Scheme, in the letter of my Chief Secretary, dated 23rd August 1918.

I would, however, take the liberty to make a few further observations on the proposals as a whole and I dare hope that I shall be forgiven for taking liberty in this respect.

When discussing any new proposal it is necessary to consider five fundamental points:—(1) the state of things already existing, (2) whether after full trial it proved satisfactory or otherwise, (3) if the latter, in what respect it was unsatisfactory, (4) if the former, what was the necessity for making a change in it, and (5) whether the new proposal was likely to prove an improvement over the existing state of affairs.

The existing relation of Indian States with the Government of India and the policy governing it are the outcomes of a series of practical experiences. They have shaped themselves not artificially, but gradually in the course of a natural evolution.

When the East India Company first came to this country, the idea of an Indian Empire was not even dreamt of by them. Their sole interest was trade and trade alone. If they waged war or concluded peace, if they entered into treaties or engagements the object underlying them was the promotion of trade, the safety of their own interest or the elimination of a rival competitor. Occasionally, no doubt, the possibility of an Indian Empire did flash before the eyes of certain far-sighted statesmen who, as Governors-General, were now and then sent to India by the Company, but the Board of Directors at Home did not fall in with their views or endorse their opinion. The political policy of the East India Company would appear to any close observer of history as extremely vacillating and void of any fixed goal or principle. Policies of subordinate isolation, of the ring fence, of annexation, of non-intervention, of subordinate union, of unconcern, etc., etc., were followed at close intervals. Each policy had its advocates and its days, but to no abiding effect. It was only in the year 1858, when the Government of India was transferred to the Crown, that a steady policy was adopted towards the Indian States; and as the foundation stone of that policy the Government of India assumed the position of the Supreme Government in India to whom the Indian States were under an obligation to owe allegiance and which alone was the fountain head of all honours and competent to recognise successions, settle succession disputes and questions of precedence and, in short, the sole authority from which all rights sprang and which could bestow, curtail or take away powers, at its will. And as a concrete proof of that authority the *sanads* of adoption were issued to all important Princes and accepted by them. The mere acceptance of these *sanads* by the Indian Princes conclusively showed:—(1) That they accepted the right of the British Government as the Supreme Power to resume the States in default of an issue of the body and (2) that the right of adoption was a privilege

which they did not possess, as a matter of right, but which was conferred on them by the British Government as a matter of grace. The position thus unreservedly accepted by the Indian Ruling Houses might not have been in keeping with the letter or even the spirit of treaties and engagements originally concluded with the Princes, but as I have said above those treaties were not the result of a fixed Imperial policy which was adopted only in the year 1858 and adhered to since then. Be that as it may, but as soon as the *sanads* of adoption were conferred on, and accepted by, the Princes, they, at the same time, agreed to the modification of the treaty relations then existing, which in legal phraseology can be said to have been carried out, with the mutual consent and agreement of the two original contracting parties. There can thus be no question of the interpretation of the old treaties and engagements, which in the altered state of affairs, are in fact quite obsolete and at best have an academical value only, serving to prove the comparative importance of one State with another and thus helping in the solution of the questions of precedence, ceremonials, salutes and the like. This new policy gained further confirmation at the Imperial Assemblage (Lytton Darbâr) at Delhi on the 1st January 1877, when the Imperial policy was publicly proclaimed and accepted by the Princes, who also accepted gifts of the swords of honour and banners in token of their acceptance of the suzerainty of the British Government.

For practical purposes all Indian States irrespective of their past history and treaty rights are, since the year 1858, placed in one category. As Sir William Lee Warner truly remarks, "A State which fell to the British Government by conquest or cession and was then recreated or regrantd by the Company is *not considered on that account inferior to one which never came into British possession and whose original relation with the British were formed on a footing of equality* * * * The differentiation of States as allied, tributary, created or protected, is illusory, all are alike respected and protected."

The present position in short is this. The British Government is the Paramount Power in India. The Indian States (irrespective of their original history and of the letters of their treaties) each and all are in subordinate union with that Government. The British Government is responsible for the protection of the States and has a right of intervention in their internal affairs in certain grave contingencies, such for instance, to suppress rebellion, to check gross misrule, to suppress inhuman practices, to secure religious toleration, and so forth. The British Government exercises its authority through the medium of its agents attached to the courts of Indian Princes.

The question now arises whether the existing policy has proved successful or otherwise? The European War just concluded would furnish the best answer to it. The Indian States as a whole stood by the British Government as soon as the war was declared, placing all their resources unreservedly at its disposal, straining every nerve to help the British cause. This was not done because they appreciated the justice of the war, or were eager to champion the cause of righteousness. These questions never entered their minds. They joined hands with England because it was a war waged by England to which they were indebted in more ways than one, and whose cause was their cause. The policy followed by the British Government since the year 1858 has been so exceptionally successful, and has made such a hold on the minds of the Ruling Princes, that with one accord, without a single exception, they ran to the British banner to win or die together. Under such a state of things who would say that the present policy has proved defective or requires modification?

Another proof of the unqualified success of the existing policy is the unanimity obtaining amongst the Ruling Princes "including some of the most honoured names" who, as the report itself says, "desire only to leave matters as they are". When such is the case I cannot imagine how any attempt in making a change in the present state of affairs is justified.

It is now necessary to examine if new proposals are likely to be an improvement over what is obtaining just now.

The proposals contained in Chapter X of the Reform Scheme Report are vague and indefinite. They do not point out a fixed goal which they would lead to. Until this is known it will serve no useful purpose to discuss them. The mere inclusion of Chapter X in the Reform Scheme Report would be regarded by many Indian States with apprehension. The Reform Scheme as a whole is based on the declared policy of the British Government to gradually grant a responsible autonomous Government to British India. I fail to see how the proposal can have anything to do with India under the Native rule. If it is an attempt at the transfer of the control of His Majesty's political relation with the Indian States from the hands of the British Government to those of any autonomous Government of British India, I would, with all emphasis I could command, say that it should not be attempted as it would simply lead to disaster. This is sure to draw the States into the whirlpool of British Indian politics where their relation with the autonomous Government will be at the mercy of every political change.

If the idea is to create any sort of federal Government on the lines of United States of America or of the late German Confederacy, I would still say that the experiment is bound to fail.

There can be no federation without a common aim, and without the surrender of certain functions; of even internal sovereignty to a central authority. The federated states of America, I understand, have armed the central Government even with powers of taxation with a federal court and executives. The Supreme Government in America has not merely

control over all measures that concern peace and war, and foreign relations or concerns among the several States; it also regulates the fiscal systems of the States themselves. How many States in India, I would venture to enquire, will be agreeable to divest themselves of their authority in fiscal matters or invest a central legislative authority with the powers of prescribing, by general laws, the manner in which public acts, records and proceedings should be framed and the effect thereof as is the case in America? This will mean unlimited interference on the part of the central authority which, I know, will be strongly resented by the Indian Chiefs and Princes.

The Indian States, it can be truly said, have lost their international life. None of them enjoys even an iota of external sovereignty and most of them share even their internal sovereignty, in various degrees, with the British Government. Sovereignty is, no doubt, divisible, but it is impossible to completely sever the relation between the external and internal sovereignties. Each is dependent on the other. The policy of internal administration is more often than not regulated by external considerations and *vice versa*. To attempt to carry on the one without a consideration of the other is bound to fail. Indian States in order to run their internal administration successfully must, therefore, remain in constant touch with the external policy of the British Government in India which, in other words, means the policy of the British Empire, which again would mean the policy of the civilized nations of the world. And this is possible only through their being in touch with the policy of the Government of India through the Political Agents. In order, therefore, to rule successfully there are only two lines to be adopted by the Indian States. Either to form themselves into a federation and create a Central Executive to whom certain functions of even internal sovereignty should be ceded, and to whose directions they should submit implicitly in all important matters of government, including the administration of justice: or to remain as separate political units having nothing in common with each other, strung together like beads in the common string of His Majesty's Government.

I am afraid Indian States are not prepared just at present to accept the first proposal, and any attempt towards that end is sure to cause very serious and widespread discontentment. The second alternative is therefore the only safe course to pursue, which means to leave matters as they are.

This question naturally leads to the consideration of the position of the Political Agents appointed at the courts of the Indian Rulers. Their original status no doubt was analogous to that of ambassadors only. But by and by they acquired the position of political, and in many cases, of administrative advisers to the Chiefs. This change in their status was, however, for the good of the States themselves. The responsibility taken by the British Government for the protection and well-being of Indian States is not limited to the Chiefs only but also extends to their subjects. The Chiefs have been guaranteed protection from external invasion and from internal revolt. Whenever there is a revolt in a principality the British Government is bound to suppress it; and this naturally gives it a right to look into the grievances of the revoltors and put matters right, if necessary, by eliminating the cause of discontentment. Indian States in fact are not always national Governments. More often than not the Rulers have little in common with the ruled in matters of race, religion or prejudices. Muhammadan Princes rule over Hindu subjects and Hindus over Muhammadans. Mahratta Chiefs hold sway over Hindustani ryots and Hindustanis rule over Deccanis and so on. The subjects of the Indian States therefore look upon the British Government to act as an intermediary between them and their Rulers in certain grave contingencies, more specially in matters of religious tolerations, etc., etc.

In order therefore to keep the Chiefs informed of the external policy of the Government of India, to enable them to mould their administration to conform with that policy, and also to advise the Chiefs, if need were, in respect of measures, which were desirable in the interests of their subjects, it is very necessary that the Political Agents act not merely as ambassadors accredited to one court by another court, but also as mouthpieces of the Supreme Government, who has accepted certain very high responsibilities in respect of the States. The Indian States are personal governments and are run on autocratic lines. The success of their administration would, therefore, depend, mostly upon the personal character of their Rulers; consequently the tone of administration might vary with each succession and this would cut at the root of the continuity of a policy which is alone conducive to good government. Absolute security from all external and internal danger would naturally make a Ruler indifferent to the consequences of any administrative measure taken in hand by him, and it is, therefore, doubly necessary that he had beside him an adviser to draw his attention to, if he was going astray. The Political Agent is the only disinterested adviser about a Chief and from my personal experience I have always found his advice useful and at times vitally useful.

In saying the above, I would respectfully remark that nothing is farther from my intention than to suggest that Indian Chiefs as a class are void of the sense of responsibility or require some one to remind them of their duties as Rulers. On the contrary, I am strongly of opinion that the Rulers of nearly all important States of the present day are more alive to their duties and responsibilities than would be the case even in European countries. But this is a question which should not be considered in the light of individualities but in the generalised form of the system itself.

Having stated the above I would invite your attention to the letter referred to in the second paragraph of this letter. It contains my views regarding the different points raised in Chapter X, and they may be taken for what they are worth.

But in this connection I would take the liberty to make one more observation which I did not do in the above quoted letter. The proposal to draw a line between the States, who have full administrative powers and those who have not, will be most invidious and will cause very serious heart-burnings. All States have rendered good services to the Government according to their means and consequently deserve well of the Government. To draw a line between them thus making those below the line feel their inferior position for no fault of theirs, ought to be deprecated. If a line must be drawn it ought to be drawn between salute and non-salute Chiefs or if it be necessary to draw it higher still let it be drawn at the top of the 9-gun Chiefs. No one will object to either. But to draw a line of demarcation between two sets of Chiefs, on the basis of their ruling powers, would, I venture to think, be a very unwise action.

As the Government of India in the opening paragraph of Chapter X of the Reforms Report have been pleased to express their appreciation of the services of the Indian Princes in connection with the late War, with a keen desire to do something substantial for them, to give a proof of its appreciation of their services, I would most respectfully beg to point out that the proposals formulated will fall very short of the purpose.

Indian Rulers have a peculiar history of their own and are most conservative. The idea of chivalry is still present in their minds and they care more for their honour and dignity than for any material gain. They want sympathy and a thorough appreciation of their views and aspirations. Every State has its own story to tell and its own problem to solve and their craving will not be satisfied by the proposals made. These proposals lead to a direction quite contrary to their tastes and tendencies.

I hope I will not be considered presumptuous, if I make a few suggestions which I am sure will be considered as a real boon by the Indian States and shall be worthy of this memorable occasion.

(1) In recognition of their services during the late War the Government be pleased to grant fresh *sanads* to all the important States (by which word I mean States enjoying hereditary salutes of 11 guns and above) reiterating clearly the policy of non-interference in the internal affairs of the States, except in case of a minority and for the prevention or correction of flagrant misgovernment. In these *sanads* the Chiefs should be styled as Princes in subordinate alliance with His Majesty.

(2) To create an exclusive political service, like the Indian Civil Service. It may be partly recruited by selection from the Indian Civil and Military Services but mostly from the diplomatic service at home. Once officers enter the political line they should confine themselves to it except in cases when they might be considered eligible for Lieutenant-Governorships.

(3) All important Chiefs must have direct relations with the Government of India, and a right to approach the Viceroy direct in connection with any matter in which they disagree with the Agents. The disability of the Chiefs to put up their cases directly before the Viceroy has been the cause of almost 95 per cent. of the troubles of the Indian States. When a Chief makes a representation, it goes to the Viceroy through the Political Agent who forwards it with his own note placing the matter before His Excellency in his own light and from his own point of view, and which the Chief has no means to have a knowledge of. The Viceroy's decision is therefore always one-sided. If the Chief has the right to approach the Viceroy direct either personally or in writing in case he does not wish to send his representation through the Political Agent, or does not agree with his views, it will cause a very real satisfaction and will be hailed as a boon. The last word in a matter of controversy should also be that of the Chief to whom the whole correspondence should be made known before a decision is arrived at. The Viceroy of course will exercise his own discretion and pass orders accordingly. But the mere fact that the Chief had an opportunity to have his say, personally, will materially mitigate the pangs of disappointment even if the decision is unfavourable to him. Personal Rulers can be satisfied with personal representation only.

(4) All useless and vexatious articles in a treaty or *sanad* (such for instance, the disability of a Chief to correspond with another except through the medium of the British Government, to repair a fort or to import ammunition, to purchase a property in British India, etc., etc.) should be deleted; and all restrictions on the ruling powers of the Chiefs should also be removed.

(5) All distinctions of feudatory, tributary, created or allied and even of mediatised Chiefships should be omitted and all important Chiefs be styled the allies of His Majesty, or being in subordinate alliance with him.

(6) The presentation of *Nazar* on ceremonial occasions and Darbars should be discontinued.

(7) The heir-apparents should be given some status of their own and some sort of ceremonial (however small but distinguishing) might be prescribed for them.

(8) All tributes paid by the Chiefs should be remitted and some form of Imperial Service military organization substituted instead, as a general obligation of the Chiefs. This will be more useful to the Government in time of War and will be most gratifying to the Chiefs also even if it costs them more than the tribute itself. The remission of the tribute will be no novel measure. This has been done on various occasions in the past as a perusal of Aitchison's Treaties will clearly testify. A general remission of it on the present occasion, like the general remission of succession *nazarana* on the occasion of the last Delhi Darbar, will have a most important political effect and will make the Princes hail it as a real and substantial reward.

(9) The Political Secretary should be considered as an *ex-officio* member of the Executive Council of the Government of India and should regularly attend meetings and join in its deliberations. Questions affecting the Indian States are often discussed at the Executive Council meetings where there is none to represent the States.

These are a few suggestions merely indicating the line on which the Government might be pleased to show its appreciation of the services of the States. I am sure these will cause very real satisfaction and make the States feel that their services have been really appreciated; which will not be the case otherwise.

As for the question of precedence on several occasions, which is one of the items on the agenda, I would respectfully say that its consideration should be dropped. The matter is a very delicate one and should be left as it is just at present.

Views of the Faridkot Darbar.

The utility and necessity of the recommendation contained in paragraph 302 of the Report is indicated in the following three propositions:—

- (1) "That uniformity of terminology tends to obscure distinctions of status."
- (2) "That practice appropriate in the case of the lesser Chiefs may be inadvertently applied to the greater ones also."
- (3) "That it would improve and assist future relations between the Crown and the States, if a definite line could be drawn separating the Rulers who enjoy full powers of internal administration from the others."

The first proposition stated above admits of serious doubt for the simple reason that each State stands on its own peculiar footing in its relations with the Government of India. The relations of the States with the Supreme Government are determined by Treaties, Sanads, Agreements or established practice which differ widely. This is a fact too well known to be obscured by mere "uniformity of terminology."

The proposed classification seems further to be open to the objection that it would defeat its own object. At present, both in theory and in practice, each State stands by itself. After the classification, States placed under the same category would be much more liable to be treated alike and thus distinctions of status between them would be more obscured than they are to-day.

(2) Inadvertent application to the greater Chiefs of practice appropriate in the case of the lesser ones can scarcely be due to "uniformity of terminology," in view of what has been stated above. The mere fact "that the term 'Native States' is applied to a collection of about seven hundred rulerships which exhibit widely differing characteristics" ought not to, and it is submitted does not, deceive a wide-awake and intelligent Political Officer. At all events, the grouping of several States under a single head would, it is to be feared, increase the chances of such mistakes occurring with respect to members of the same group.

(3) It is not easy to understand how and in what way exactly the proposed classification would improve and assist future relations between the Crown and the States. The classification as such professes to do no more than divide the States into two groups, "separating the Rulers who enjoy full powers of internal administration from others." This by itself does not lead to the conclusion that future relations would be necessarily improved thereby.

Besides, the proposed division would seem to be open to the following objections, which may be stated at some length as the proposal may lead to far-reaching consequences:—

(i) The term "full powers of internal administration" is vague and has not been authoritatively defined. In one sense, it may be argued, that no State in India enjoys powers of the exact description stated above; for, as is well-known, even the powers of the premier States are restricted in regard to the number, equipment and strength of Armies, Coinage, Customs and Tariff, Post and Telegraph, Railways, Legislative and Executive Powers, Criminal Jurisdiction and other matters of purely internal administration.

(ii) Few States would be found to possess exactly the same or similar powers of internal administration. The Treaties and Sanads, as also the practice that has grown up around them, are so unlike as to make the task of effecting any

reasonable classification almost impossible. In fact, the measure of autonomy enjoyed by the various States is so unequal that it seems to be hopeless to make it the basis of any logical or fair division.

- (iii) Whatever meaning be assigned to the expression "full powers of internal administration," it is certain that several States would come in the nebulous region where it is impossible to draw any hard-and-fast line of demarcation, and an attempt to do so would be necessarily arbitrary and therefore undesirable and inexpedient.
- (iv) Any division of Indian States into classes or groups implying inferiority and superiority of status is bound to create jealousies, dissatisfaction and resentment amongst the Princes and Chiefs—a result which the Government of India doubtless do not desire.
- (v) Nor would all the Princes included in either of these two groups be any the better satisfied; for there will always remain the apprehension amongst them that the members of the same group might be brought down to the same dead level of the lowermost in the same group.
- (vi) Again, such an arbitrary division will place the majority of Indian States in a very anomalous situation which would deprive them of any form of direct representation in the councils of the Empire. While taking into consideration the sympathetic and wise policy of the Government expressed by His Excellency Lord Chelmsford in his speech at Dhar on the 14th August 1918: "I need hardly assure Your Highness that the Government of India are concerned to safeguard the rights, privileges and interests of the relatively small States no less than those of their larger neighbours and welcome their Rulers equally cordially as partners and co-workers," the Darbar are more than assured of the attitude of the Government towards the smaller States, and cannot entertain in the remotest degree any apprehension that the Government of India are not also anxious to obviate such an anomalous position.

In view of the foregoing considerations the Darbar, as at present advised, do not think that much useful purpose would be served in the way of improvement of future relations between the Crown and the States by drawing a definite line of demarcation separating the Rulers who enjoy full powers of internal administration from the others, even if such a course were reasonably possible.

II.

While considering the recommendation contained in paragraph 305 of the Report the Darbar notice with extreme gratefulness and satisfaction that the illustrious authors of this historical document record: "That the Princes should be assured in the fullest and freest manner that no constitutional changes which may take place will impair the rights, dignities and privileges secured to them by Treaties, Sanads and Engagements, or by established practice." This is quite in conformity with the solemn declarations made in the past. In the gracious Proclamation of 1858 by Queen Victoria in Council to the Princes, Chiefs and Peoples of India, Her Majesty was pleased to declare: "We hereby announce to the Native Princes of India that all Treaties and Engagements made with them by or under the authority of the Hon'ble East India Company are by Us accepted, and will be scrupulously maintained; and We look for the like observance on their part . . . We shall respect the Rights, Dignity and Honour of Native Princes as Our own . . ." In His Message of 1903 His late Majesty King Edward VII renewed this assurance in similar terms, which His Majesty the present King-Emperor was graciously pleased to repeat in His speech at the Imperial Coronation Darbar at Delhi in 1911. The most recent Royal pronouncement on the subject is contained in His Imperial Majesty's Message to the Princes and Peoples of India at the outbreak of the war in 1914, where He is graciously pleased to observe: "Paramount regard for treaty, faith and pledges, word of rulers and peoples is the common heritage of England and India." Thus it is inconceivable that the Supreme Government would do anything which might lead to the impression, however unfounded, that they desire to disturb Treaties and Engagements dating back to a hundred years and more which have become thrice sanctified by the repeated assurance of three successive British Sovereigns. It must have caused, therefore, some uneasiness in the minds of the Indian Princes to read the following words contained in the Report: "We cannot disregard the fact that the general clause which occurs in many of the Treaties to the effect that the Chief shall remain absolute Ruler of his country has not in the past precluded, and does not even now preclude, interference with the administration by Government through the agency of its representatives at the Native Courts" (Paragraph 303) and . . . "the conditions under which some of the treaties were executed have undergone material changes, and the literal fulfilment of particular obligations which they impose has become impracticable" (Paragraph 304).

As against these statements, His Excellency Lord Chelmsford, one of the illustrious authors of the Report, in the course of his inaugural speech at the Conference of the Ruling Princes and Chiefs on the 30th October, 1916, said: "These Treaties are sacred, and I can assure you that it will be my earnest desire to maintain them not only in the letter but in the spirit in which they were framed."

The Darbar are, therefore, not in favour of any scheme of simplification, standardisation or codification of existing practice which may have the effect of contravening the terms of Treaties, Sanads or Engagements solemnly entered into between the Supreme Government and the Princes of India. The Darbar are also sure that this cannot be the intention of the Government of India. But there seems to be no objection to simplify, standardise and codify, "of course only by consent of parties", those rules of existing practice on which the Treaties are silent. With regard to matters covered by Treaties, the best course would be to go back to their original terms rather than to legalise the anomalies that might have crept into practice.

III.

(1) With regard to the recommendation No. 3 (contained in paragraph 306 of the Report) the Darbar heartily agree that a Council of Princes may be established as a permanent consultative and deliberative body. As in the past, each State, in keeping with its own historical associations and peculiarities, maintained relations with the Supreme Government independent of other States, so when bringing such a body of States of all shades and varieties into the common chamber, under one constitution so as to form a part and parcel of one federation, it appears only too reasonable that components of such a body should not come only through one channel but through other channels too, which had played an important part in bringing isolated Indian States in touch with the Central Government on matters of Imperial concern or questions of sentimental and historical importance so that in future that concord, harmony and mutual good-will which are so desirable for the maintenance of cordial relations which it is no doubt the anxiety and concern of the Government of India and earnest endeavour of the States not only to maintain but to improve upon and if possible to still strengthen them, may prevail throughout the country.

Therefore as regards the constitution of the proposed Council the Darbar are of opinion that the following important points may with advantage be borne in mind, when finally deciding the constitution of the Council of Princes:—

- (a) The States maintaining Imperial Service Troops for the defence of the Empire by no means take a small measure of pride in the share which they have taken in the past and are taking in the present world-wide war. It is not for us to vindicate the importance and utility of Imperial Service Troops; His Excellency the Viceroy has on more occasions than one publicly given expression to the assistance which such troops have been able to render and the regard which they have been able to win from the immediate British Officers under whom they had to perform their duties in the various theatres of war. Besides it is not an illegitimate pride nor an unfounded satisfaction that the States maintaining troops for the service of His Imperial Majesty the King-Emperor are amongst those States who might well be satisfied for having effectively shared in the struggle for peace and justice, the cause of which Great Britain has so chivalrously championed, so all the Princes who maintain the Imperial Service troops should be eligible for the membership of the Council of Princes.
- (b) The privilege of return visit from His Excellency the Viceroy to an Indian Prince has a sentimental as well as official recognition of the importance of the Prince concerned and as such cannot be lost sight of; nor can it be said that the privilege of such a high nature is a mere courtesy. But on the contrary it is a cherished privilege which is much coveted and treasured by the States, and so all the Princes who enjoy this privilege should be eligible for the membership of the Council too.
- (c) All the Princes who are entitled to a salute of 11 guns or over should be eligible for membership.
- (d) As regards the representation of the rest of the Princes and Chiefs which is strongly recommended, a Committee consisting as suggested below be appointed to advise the Government of India on the subject, for each territorial group separately:—
 - (1) Provincial Head of the British Government or Agent to the Governor-General—President.
 - (2) One Ruling Prince eligible for membership under any of the above categories.
 - (3) Two Princes from amongst the minor Chiefs who do not fall under any of the categories cited above.
- (e) The illustrious authors of the 'Report' propose to replace the Conference of Princes by a permanent consultative body with almost the same constitution. The Princes who used to be invited to attend the Conferences of the Ruling Princes and Chiefs should in no case be deprived of a similar privilege simply on account of change of the name of the body.

As pointed out above, the Indian States exhibit widely differing characteristics; it does not therefore seem a safe policy to decide upon only one basis for the eligibility to admission.

into the Council of Princes and therefore the States ruled over by hereditary Indian Princes or Chiefs in the domain of which the laws passed by the Provincial or Imperial Legislative Councils do not *ipso facto* become the law of the land should have the right of direct representation on the Councils of the Empire.

IV AND VII.

The Darbar are in general agreement with the proposals made in paragraphs 307 and 311.

V. AND VI.

The Darbar reserve their opinion, for the present, on the Commissions of Enquiry proposed in paragraphs 308 and 309 of the Report.

Views of His Highness the Maharaja of Sirmur.

Extract from a letter, dated the 19th September 1918, from His Highness the Maharaja of Sirmur, to the Commissioner and Political Agent, Ambala Division.

1. All the Indian Chiefs who have got powers within their territories whether they are restricted or unrestricted and whether they are entitled to salute guns or not come under the category of Ruling Chiefs irrespective of the extent of their territories and amount of their revenue. Thus, the Ruling Chiefs can be easily divided into 3 groups—

- (a) Those who enjoy full powers over their internal affairs as well as are entitled to salute guns.
- (b) Those who have restricted powers but are entitled to salute guns.
- (c) Those who enjoy powers but are not entitled to salute guns.

I agree with the proposal of drawing a line of demarcation between the Chiefs, but I am not in favour of drawing this line on the basis of enjoyment of restricted or unrestricted powers by the Chiefs in their respective States.

2. No objection, but with the suggestion that where existing circumstances of an individual State and its relation with the Government necessitate, the review of the provisions of the Treaty, Sanad or Engagement, as the case may be, full consideration may be given to the case.

3. No objection.

4. No objection.

5. No objection.

6. No objection.

7. No objection. Only one Political Agency should remain as an intermediary between a Native State and the Government of India.

8. No objection.

Extract from a telegram, dated the 15th January 1919, from the Government of the Punjab, to the Political Secretary to the Government of India.

* Following from Maharaja Sirmur is repeated. *Begins:* My views already expressed in my letter dated 19th September 1918 stand with the supplement that every Ruler who enjoys the privilege of guns irrespective of his territory should not be deprived of the proposed privilege. * * *Ends.* * *

Views of His Highness the Raja of Suket.

Extract from a letter, dated the 14th September 1918, from the Wazir, Suket State, to the Commissioner, Jullundur Division.

In the opinion of the Suket Darbar, the recommendations 2 to 6 and 8 are quite suitable and conducive to a better understanding of the interests of Indian States. In regard to recommendation No. 1, the Darbar is of opinion that although a definite line, if drawn between Rulers who enjoy full powers of internal administration and who do not, may afford some convenience in improving future relations between the Crown and the States, such a demarcation would, perhaps, not be received by the lesser States sympathetically as this tends to place them somewhat outside the same considerations which they claim in common with bigger

States under the uniform definition of the Native States of India. Moreover, a collective classification of the character suggested is not likely to be useful in view of the fact that the relations of each and every State are governed and can in future be improved on its own merits.

Lastly, the Darbar desires me to request the favour of your kindly communicating His Highness' gratitude to the Government for their deep and keen interest in the welfare of the Indian States.

Reply of His Highness the Maharana of Udaipur.

"As His Highness does not desire to participate in the proposed Council of Princes, there appears to be no need for him to express an opinion."

Reply of His Highness the Maharao of Sirohi.

The Musahib Ala writes:—"I have placed the letter under reference before His Highness, who has directed me to request you to be kind enough to convey the most sincere thanks of His Highness to His Excellency for the kind solicitude of the Government of India for the welfare and progress of Native States.

"I am further directed by His Highness to acquaint you that His Highness is very keen on the vital necessity of our treaties, rights, *izzat*, dignity, privileges, and prerogatives being scrupulously respected and maintained intact."

Views of His Highness the Maharawal of Banswara.

"His Highness the Maharawal of Banswara is of opinion that recommendations (3) to (6) and (8) detailed in the Foreign and Political Department letter No. 2311-I, A, dated 25th July 1918, seem to him to be very suitable."

Views of His Highness the Nawab of Tonk.

"As regards my opinion upon the specific recommendations about Native States made in the Report of His Excellency the Viceroy and His Majesty's Secretary of State for India on Indian Constitutional Reforms, I would say that the recommendations made in the report are almost the same as were suggested by the Conference of Native Chiefs to which I have already agreed. I think the recommendations are very sound and I sincerely hope they will be finally accepted and passed."

Views of His Highness the Maharaja of Karauji.

"The Darbar entirely agree with the proposal made in the Chelmsford-Montagu Reforms that with a view to improve future relations between the Crown and the States a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others. The Darbar are of opinion that since the wave of new democratic ideas is sweeping over the whole of the Indian Empire and its effects are visible in many of the States it is therefore most desirable both for the Rulers, individually and collectively, and for the Government of India that early steps should be taken to draw the dividing line between the two classes of States mentioned above.

"Paragraph 305.—As for paragraph 305 of the Report, the Darbar think that having regard to the present position and the evolutionary spirit working in some of the Native States, it is a matter more of necessity than of consent that the relations of the Rulers of the States with the Government of India should be examined in order to simplify, standardise and codify standing practice for the future. Such information and enquiry and examination of the existing relations between the two would not only place the Government of India in a better position as regards their future action, but would enlighten the Ruling Princes of their duties towards the Crown. This would lay the foundation stone of a better understanding between the Government of India and the Ruling Princes.

"Paragraph 306.—It is a matter of great satisfaction that the Native States of India have not been left untouched in the Chelmsford-Montagu Reforms as they had been in the Minto-Morley Scheme. The inauguration of the permanent Council of Princes would afford the Princes sufficient opportunity to render whatever service they can in the way of advice and they would be more in practical touch with the Government of India and its practical policy towards Native States.

"Paragraph 307.—The Darbar, while agreeing that the Council of Princes should be invited annually to appoint a small Standing Committee, would respectfully suggest that the Council of Princes while making recommendations or selecting members of the Standing

Committee would keep in view to avoid misunderstanding that every Prince with full ruling powers should have a chance to sit on the Committee in his turn. This suggestion would, if approved, give all Princes a chance to take part in the discussion and be an easy means to educate them.

"Paragraph 308.—The Darbar entirely agree that when the Viceroy thinks this desirable a Commission of Enquiry should be appointed in regard to the settlement of disputes between the Government of India or any Local Government and a State. But in regard to disputes between the two States the Darbar would urge that the two States should at first be given a chance to appoint an arbitrator from among themselves, and if this fails, then a Commission might be appointed.

"As for part (b) of paragraph 308 of the Report, the Darbar agree that when the Viceroy thinks this desirable a Commission of Enquiry should be appointed in regard to the decisions of cases where a State is dissatisfied with the ruling of the Government of India or the advice of any of their local representatives.

"Paragraph 309.—The Darbar entirely approve of the suggestion that when questions arise of depriving the Ruler of a State of his rights, dignities and powers, or of debarring from succession a member of his family, they should always be referred to a Commission to be appointed by the Viceroy to advise him.

"Paragraph 311.—The Darbar have no objection to the proposal of the Report that means should be provided for joint deliberation between the Government of India and the Princes on matters of common interest to both. It will be a matter of pride to the Princes if the Government of India were to take them into their confidence, and such confidence would lead to the benefit of both."

Views of His Highness the late Maharawal of Dungarpur.

I. (1) The States enjoying perfect internal autonomy and full sovereign rights and entitled to salutes of 11 guns and over, should, in my opinion, be classed as Princes.

(2) This is a most important question and requires very careful consideration and I am of opinion that in the case of States which have full sovereign rights within their own territory and enjoy perfect internal autonomy and have Treaty relations with the Government of India, some uniform practice may be devised, with the consent of the Rulers of the States, that may simplify and define the existing procedure for the future, in the interests of the States as well as those of the Government. While as regards smaller States enjoying no Treaty rights a different procedure may be adopted. This, it is believed, will remove irritation and friction that are likely to be caused, under the present system, by the indiscriminate and inadvertent application of the practice suitable to the smaller and unimportant States, to the bigger and important ones.

(5) It might be added that where the parties consider it desirable the Viceroy should concede to the appointment of a Commission of Enquiry in regard to (a) and (b).

(7) All important States enjoying full internal autonomy and sovereign rights and entitled to 13 guns and over should be placed in direct political relations with the Government of India.

As regards the smaller States or mediatised Chiefships whose powers of internal administration are limited and who are at present under various Local Governments, they should be grouped together under several political charges and they too should be placed in direct relation with the Government of India, for however small in area or revenue they may be and however great the restriction of their powers, they are none the less Chiefships and their proper place is among the Indian States rather than British Indian Provinces, and their status and dignity should be as scrupulously maintained as those of the bigger and important ones.

(3), (4), (6) and (8) It is very kind of the Government of India to allow the discussion of these questions in the Conference and I hope they will be fully considered and decided for the mutual good of the Indian States and the Government of India.

II. In my opinion, in the case of such Princes whose seats have not been settled or who sit under protest at any civil functions, the date of accession to the "gadi" should be considered the only deciding factor in the matter of precedence, specially where the salutes are the same.

Seats at Official Darbars that have already been settled should not be disturbed at all.

In conclusion, I am to add that the views that I have expressed above are subject to any modifications, alterations and additions that may suggest themselves to me, as the result of the discussion of the questions at the informal meetings of the Ruling Princes that may be held prior to the deliberations of the Conference and at the formal Conference itself.

Views of His Highness the Maharaja of Indore.

The Government of India have been pleased to call for a written opinion of His Highness on :—

- (1) the question of precedence of Ruling Princes *inter se* at social functions, and on
- (2) the recommendations made by His Excellency the Viceroy and His Majesty's Secretary of State for India in Chapter X of their Report on Indian Constitutional Reforms.

2. It is desired, at the outset, to convey an acknowledgment of the care and industry bestowed in preparing the Report and of the solicitude shown by the distinguished authors for guarding and promoting the interests of Ruling Princes and Chiefs. Expressions occur which are extremely gratifying. Assurances are given "that no constitutional changes which may take place" in British India "will impair the rights, dignities, and privileges secured to them by treaties, *sansads* and engagements or by established practice"* and that the

* Paragraph 305 of the Report.

† Paragraph 167, *ibid.*

somely acknowledged and it is recorded that the Ruling Princes have shown that "our quarrel is their quarrel."† It is further observed that the "changes which have occurred" have not

‡ Paragraph 208, *ibid.*

"in the least impaired the validity of the treaties which assured to the States their powers of internal administration."§ The distinguished

§ Paragraph 209, *ibid.*

uncertainty and uneasiness when they observe that a political "practice appropriate in the case of the lesser Chiefs may be inadvertently applied to the greater ones also";|| that "the

|| Paragraph 302, *ibid.*

Princes, viewing the application of this case-law, which has grown up around the treaties, to their individual relations with Government, are uneasy as to its ultimate effect" and that "they fear that usage and precedent may be exercising a levelling and corroding influence upon the treaty rights of individual States."¶

¶ Paragraph 304, *ibid.*

3. These sentiments leave no doubt as to the lofty and generous motives underlying the recommendations. Each State has, however, its peculiar rights, customs and traditions which cannot be fully within the knowledge of other people. This indeed has been fully recognised by the distinguished authors of the Report. They have produced an atmosphere of confidence for the full expression of the views of Ruling Princes and Chiefs by extending an invitation to them to do so. The opportunity is unique, and full advantage should be taken of it.

4. Before proceeding any further it is necessary to invite full attention to the basic and axiomatic truth that His Highness's treaty relations are with the British Government, maintained in India by His Excellency the Viceroy as the representative of His Majesty the King-Emperor. An autonomous Government of India, controlled by the elected or nominated representatives of British India, is not the power with which His Highness's ancestors entered into treaty or political relations. To such a Government His Highness's has never owed and never can owe any obligation nor can British India and its would-be autonomous Government rightly advance any claim to occupy in political relation to His Highness the position accorded by treaty to His Majesty and his Government. With an autonomous Government presided over by a Governor-General, British India can but occupy with regard to Indore the position of a sister State like Gwalior or Hyderabad, each absolutely independent of the other and having His Majesty's Government as the connecting link between the two. Here it might be mentioned that it is on account of the desirability of not mixing up British Indian affairs with those of Indian States that the head of the present Indian Government functions in a dual capacity as Governor-General for British India and as Viceroy for maintaining His Majesty's political and other treaty relations with the States. So long as the "Viceroy" continues to hold the position he does now with regard to the Native States, it is of no concern to the States what the functions of the "Governor-General" are. For this reason therefore it would be necessary when an autonomous Government for British India comes into existence, to treat it as sister and neighbouring State and to insist on His Highness's right to deal direct with His Majesty's Representative in India or His Majesty's Government in London, rather than become a part of or co-ordinate factor in the machine of any autonomous Government of British India. This would be in consonance with, and befitting the position of, His Highness as an "independent ally of the British Government."

5. The Holkar State would view with apprehension, and protest against, as a breach of its treaty rights, any attempt at the transfer of the control of His Majesty's political relations with it, from the hands of the British Government to those of any autonomous Government of British India. It is impossible to say where this process, if once begun, would stop or what the resultant effect of this transfer would be both in the direct dealings of such a Government with the Native States and the indirect reaction on them of political movements. His Highness's Government would strongly protest against being drawn into the whirlpool of British Indian politics where their relations with the autonomous Government would be at the mercy of very political change. For the sake, therefore, of the preservation of the rights, prerogatives

and privileges of His Highness the Maharaja Holkar it is essential that the political relations of the Holkar State should remain with His Majesty's Government as represented in India by His Excellency the Viceroy, but not with the representatives of British India whose interests may be divergent. From this it follows as a corollary that the Political Department should not be recruited from the services of British India. This is necessary to ensure that Department's entire freedom from the control of British India and to prevent British Indian politics affecting the smooth current of political relations between His Majesty's Government and the Native States.

6. Paragraph (3) of the Agenda deals with the question of the proposed permanent Council of Princes for the deliberation of matters which affect the States generally and other questions which are of concern either to the Empire as a whole or to British India and the States in common. It may be noted that in the time of Lord Lytton an Imperial Privy Council was brought into being to advise the Government of India, but His Lordship included only twelve Ruling Princes (afterwards reduced to eight) as he could not recommend a larger number "without extending the honour to minors, or Chiefs of a rank too low for so high and honourable an office or to Chiefs not wholly fitted for the dignity of Counsellors."*

* Government of India's Despatch to the Secretary of State, *vide* page 234, Mather's "Indian Constitutional Documents."

Chiefs and territorial Magnates of British India, in guardianship of common and Imperial interests, and as a means of promoting more intimate relations among component parts of the Indian Empire"; but this project was not proceeded with† as "the majority of Ruling

† Secretary of State's Despatch on page 268, *ibid.*

would sit together"; and the other objections were that the Chiefs had "no knowledge of the conditions of British India"; while the Magnates were "out of touch with the people."‡

‡ Government of India's Despatch on page 232, *ibid.*

India on questions of an Imperial character, but some of the more important Princes disliked "the idea of collective consultation," hinted "at difficulties of precedence among themselves," and considered "free discussion to be only possible among equals."§ These Princes expressed a preference for consultation by letter and did not wish "to be invited to attend

meetings, both for the personal reasons" (precedence, etc.) "and because of the expense and inconvenience and the interruption of their regular administrative work."|| Lord Minto agreed that there was much force in these objections and Lord Morley too took the same view and push the project, unless it commands the clear assent and approval of those whose presence in the Council would be essential to its success."¶

§ Page 235, *ibid.*

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|| Page 235, *ibid.*

observed that it would "be a mistake to

¶ Page 269, *ibid.*

7. These and similar considerations weighed with His Highness when in his Note, dated the 28th January 1915, forwarded to His Excellency the Viceroy with a Kharita, he observed :—

"Considering the divergence in the history and political status of the various States, it is a difficult if not an impossible task to secure for the proposed Chamber an equitable representation of all interests with any possibility of finding a common ground where the divergent interests would meet and thus enable the Chamber to voice the joint and unanimous opinion of all the Princes and Chiefs. It would be distinctly improper and unfair to accept in all cases the views of the majority of the members as the representative opinion of the Indian States and thus run the risk of drowning the voice of the Princes of the first rank in the consensus of opinion of a number of Chiefs who may in no way compare with them in territory, prestige or political status."

8. To make the matter clear, it may be observed that His Highness's vital interests have suffered quite recently. It was this majority of opinion which weighed with the British Government on the question of succession in Native States and he has had consequently to make a representation.

9. The distinguished authors have provided two safeguards in order to obviate such risk. The first is that the "direct transaction of business between the Government of India and any State would not be affected by the institution of the Council"; the second is that a definite line would be drawn separating "the Rulers who enjoy full powers of internal administration from others"; and to make the proposals in paragraphs 306 to 311 of the Report applicable to them only. It may well be expected, however, that the Rulers who would thus be left out will make strenuous efforts to be included; and the British Government may concede to their wishes. At any rate the fact remains that all "the Rulers who enjoy full powers of internal administration" are not entitled to the same rights and privileges.

10. A careful perusal of the terms of the treaties (or agreements) of various States and of the political history and records of the period will show that the States can be grouped under various classes.

11. None of the Native States have powers of external sovereignty, but in other respects their obligations to the British Government under treaties are of various nature. For instance, as regards the obligation for common defence, the States of Hyderabad, Mysore and Indore, under the arrangements concluded some years back, are exempt from any sort of liability.

12. Rulers of States having such diversity cannot look at questions involving rights and prerogatives from the same standpoint and any advice coming from them may prove harmful to others. The proposal,* therefore, to draw a line

* *Vide* paragraph 1 (1) of the Agenda.

separating the Rulers who enjoy full powers of internal administration from the others, though an improvement in a way, does not go far enough to fully secure the desired end. It is strongly urged that no such permanent Council should be brought into existence to advise His Excellency the Viceroy on "questions which affect the States generally or which are of concern either to the Empire as a whole or British India and the States in common," but that in pursuance of the excellent principle of consultation which has been accepted in the Report, a reference should be made in these matters to the Rulers individually through the usual channel and their "considered opinion" ascertained. This course would avoid the enormous expenditure of time and money which has to be incurred at present in attending a Conference at Delhi, and would also secure a calm and deliberate consideration of the matter referred, which is not possible when Rulers have to discuss matters in Council and give their opinion forthwith. If nevertheless the Council comes into being His Highness, as he has already said, would not join it at present but would wait and see how it works on and safeguards his interests.

13. The next proposal † is that with the consent of the Rulers of States their relations with the Government of India should be examined, not necessarily with a view to any change of policy but in order to simplify, standardize and codify existing practices for the future.

† Paragraph 1 (2), *ibid.*

The distinguished authors of the Report point out in paragraphs 303 and 304 two factors which in their opinion have been at work to bring about relations contrary to the texts of the treaties or agreements. They justify the operation of the first factor in these words—

"We cannot disregard the fact that the general clause which occurs in many of the treaties to the effect that the Chief shall remain absolute Ruler of his country has not in the past precluded, and does not even now preclude, interference with the administration by Government through the agency of its representatives at the Native Courts. We need hardly say that such interference has not been employed in wanton disregard of treaty obligations. During the earlier days of our intimate relations with the State British Agents found themselves compelled, often against their will, to assume responsibility for the welfare of a people, to restore order from chaos, to prevent inhuman practices, and to guide the hands of a weak or incompetent Ruler as the only alternative to the termination of his rule."

14. This is one way of looking at things. There is also the other view, and that taken by such distinguished authorities as Lord Hastings and Sir Charles Metcalfe, both makers of treaties, who laid the foundations of the Indian Empire.

15. Lord Hastings, in the Private Journal which he kept as Governor-General, observes :—

"In our treaties with them we recognise them as independent sovereigns. Then we send a Resident to their courts. Instead of acting in the character of ambassador, he assumes the functions of a dictator; interferes in all their private concerns; countenances refractory subjects against them; and makes the most ostentatious exhibition of this exercise of authority. To secure to himself the support of our Government, he urges some interest which, under the colour thrown upon it by him, is strenuously taken up by our Council: and the Government identifies itself with the Resident not only on the single point but on the whole tenor of his conduct. In nothing do we violate the feelings of the Native Princes so much as in the decisions which we claim the privilege of pronouncing with regard to the succession to the *musnud*."

16. Sir Charles Metcalfe, in his Paper on the affairs of Jaipur, which he wrote as Governor-General in 1835, is no less emphatic :—

"Another evil of interference is that it gives too much power to our agents at foreign courts, and makes Princes and Ministers very much the slaves or subjects of their will. An interfering agent is an abominable nuisance wherever he may be, and our agents are apt to take that turn. They like to be masters instead of mere negotiators. They imagine, often very erroneously, that they can do good by meddling in other people's affairs; and they are impatient in witnessing any disorder which they think may be remedied by our interference, forgetting that one step in this course will unavoidably be followed by others, which will most probably lead to the destruction of the independence of the State concerned."

"It must be admitted to be an evil of the non-interference policy that temporary and local disorder may occasionally ensue, and must be tolerated, if we mean to adhere strictly to that principle. But this is a consequence which we naturally

dislike. We are not disposed to wait until things settle themselves in their natural course. We think ourselves called on to interfere, and some bungling or unnatural arrangement is made by our will, which, because it is our own, we ever after support, against the inclination of the people and their notions of right and justice."

"The true basis of non-interference is a respect for the rights of others—for the rights of all, people as well as Princes. The treaties by which we are connected with Native States are, with rare exceptions, founded on their independence in internal affairs. In several instances the States are, with respect to external relations, dependent and under our protection but still independent in internal affairs. It is customary with the advocates of interference to twist our obligation of protection against enemies into a right to interfere in the internal affairs of protected States—a right, however, which our treaties generally do not give us, otherwise than as the supporters of the legitimate sovereign against usurpation or dethronement, in the event of his not having merited the disaffection of his subjects."

"The advocates for interference would probably maintain that it is right to anticipate mischief and prevent it by decided interference, and, as disorder will sometimes follow our adherence to non-interference, there would be much weight in that argument if our interference were always productive of good. But we often create or aggravate mischief and disorder by injudicious interference, and prevent a natural settlement of affairs, which would otherwise take place. One of the strongest arguments in my mind against interference is that it is more apt to work evil than good. There is nothing in our political administration that requires so much circumspection, and caution, and discreet judgment, as interference in the affairs of other States. A single mistake on the part of an agent may cause irreparable mischief; and the power left to agents on such occasions is immense. Almost everything depends on their judgment. The effects of interference are anything but certain. It is not, therefore, a conclusive argument in favour of interference, although it is the best, that we may thereby prevent evil; for, on the contrary, we are just as likely to create it; I should indeed say, infinitely more so. And the evil created by interference is generally irremediable. It virtually, if not ostensibly, destroys the State to which it is applied, and leaves it only a nominal, if any, existence."

"Our attempts to interfere for the better government of other States have often been wretched failures as to our purpose, but have nevertheless had all the bad effects of interference on the States concerned, as well as on the minds of other States. Where interference shall begin, and where end, and to what object it shall be confined, and how that object shall be accomplished without involving further and unnecessary interference, are all nice points to determine. The question of interference altogether is, indeed, the most difficult of any in Indian policy; but interference is so likely to do evil, and so little certain of doing good, that it ought, I conceive, to be avoided as much as possible. The evils of non-interference may certainly be such sometimes as we would not like to permit to continue, but their effects are generally temporary, and leave the State independent in internal affairs as before. The effects of interference are permanent, and degrade the State for ever, if they do not destroy it."

17. The operation of the second factor is justified by the distinguished authors of the Report thus:—

"Moreover, we find that the position hitherto taken up by Government has been that the conditions under which some of the treaties were executed have undergone material changes, and the literal fulfilment of particular obligations which they impose has become impracticable. Practice has been based on the theory that treaties must be read as a whole, and that they must be interpreted in the light of the relations established between the parties not only at the time when a particular treaty was made but subsequently. The result is that there has grown up around the treaties a body of case-law which any one who is anxious to appreciate the precise nature of existing relations must explore in Government archives and in text books."

18. The distinguished administrators who negotiated the treaties and agreements and established the British Power were however very particular in not treating in a light manner the terms of those sacred documents. Sir A. Wellesley (afterwards Duke of Wellington) wrote to Major Malcolm on the 17th March 1804:

"I would sacrifice Gwalior, or every frontier of India, ten times over, in order to preserve our credit for scrupulous good faith, and the advantages and honour we gained by the late war and the peace; and we must not fritter them away in arguments, drawn from overstrained principles of the laws of nations, which are not understood in this country. What brought me through many difficulties in the war, and the negotiations for peace? The British good faith, and nothing else."

19. Sir John Malcolm in his "Instructions to his Assistants" says :—

"On all occasions where they are referred to, treaties and engagements should be interpreted with much consideration to the prince or chief with whom they are made.* There is often, from opposite education and habits, much difference between their construction and ours of such engagement; but no loose observation, or even casual departure from the letter of them, ought to lead to serious consequences, when it appeared there was no intention of violating the spirit of the deed, or of acting contrary to pledged faith.

† Page 452, Malcolm's Memoirs, Volume II (Edition of 1824).
When any article of an engagement is doubtful, I think it should be invariably explained with more leniency to the expectations originally raised in the weaker than to the interests of the stronger power."‡

20. Lord Auckland, Governor-General, in his minute dated the 2nd January 1842 on the Orehha case, observes as follows :—

"I cannot, for a moment, admit the doctrine, that because the view of the policy upon which we may have formed engagements with native princes may have been by circumstances materially altered, we are not to act scrupulously up to the terms and spirit of those engagements."§

21. Even more authoritative than the last two views is the following pronouncement of Lord Hastings, who made more treaties than others. Addressing the Nawab of the Karnatic he used these words :—

"A treaty plighted the public faith of the nation, so that it must be my duty to maintain its terms according to their true spirit, which ought always to be construed most favourably for the party whose sole dependence was on the honour of the other."§

22. This emphasises the need there is for faithfully observing the terms of a treaty. When construing it, it is often essential to look to the circumstances which brought it about. Questions may arise, in course of time, not covered by the treaty or some provision of it may become inapplicable. In both cases the remedy lies in entering into a fresh treaty or agreement to modify the previous one. Without, however, taking this course, if a treaty were to be interpreted in the light of subsequent relations between the parties, an element of uncertainty would come into operation and the sanctity of treaties would be endangered. The subsequent relations indicating the so-called precedents or political practice but clearly contrary to the spirit of the treaties or agreements come into existence from various cause. In Native States where the system of government is personal, it happens that owing to the minority of the Prince or some other disability, the interests of his House or of his State are not fully safeguarded. Or, it may be that whether the Prince is in this situation or not, he or his ministers may have no liberty of choice of action and may be powerless. Cases can be imagined where his interests clash with those of the British Government or other States. As representing the British Government the Political Officer will naturally feel inclined to safeguard the rights of his government or to carry out their instructions and his influence over the Prince or his ministers may be too strong for the latter to think of disagreeing with him: and they may thus be led to adopt a course eventually harmful to the rights or privileges of the State. Or again the Political authorities or the Government of India—whether influenced or not by the political practice or customs in other States—may think of introducing innovations quite inconsistent with or contrary to the previously existing practice or customs of the State concerned. Thus in 1905 when His Royal Highness the Prince of Wales paid a visit to the Holkar State the official programme based on past practice said that His Highness the Maharaja Holkar would drive with His Royal Highness in the same carriage. This was given in the printed programme which was circulated everywhere. And yet on the Railway Station His Highness was told that he was not to drive in the same carriage and he had to come away in a separate carriage behind the procession. During the same visit at the opening of the Edward Hall by His Royal Highness, His Highness, though the host and Ruler of the State, was not given his customary seat by the side of His Royal Highness. Again, in 1911, on the occasion of the investiture of His Highness with Ruling Powers, innovations quite contrary to past practice were introduced, such as (1) in assigning a place to the Peshwai Sardars in the procession from the Residency to the Darbar Hall, (2) in forming a procession on the entrance of the Hon'ble the Agent to the Governor-General to the Hall, (3) in considering the Darbar to be that of the Agent to the Governor-General and (4) conducting the Maharaja to a chair representing the *gadi* in token of his being formally invested. Protests were made at the time, but they were unavailing except that in the case of the last mentioned innovation the Government of India admitted that it was unsuitable and should have been omitted. Further representations had consequently to be made and it is satisfactory to note that the Government of India have lately declared in their Memorandum on "Successions in the Native States" that the Investiture Darbar should be considered as that of the Prince and not of the British Representative and this has the effect of restoring the previously existing practice in these matters. On the occasion of the last visit of His Excellency the Viceroy to Indore, a right place was given to the carriage of the Peshwai Sardars.

23. Treaties or agreements are solemn documents which give full opportunity to the parties concerned to think about them; but this safeguard is necessarily absent in the case of usages (or practice) or precedents. It is but right and proper therefore that before any usages or precedents can be allowed any value, they should be carefully scrutinized with due regard to their attendant circumstances to make sure that there has been no undue influence, mistake or some such invalidating circumstance in operation. If such a circumstance exists, the incident can have no value as a precedent or as establishing a usage in that State. *A fortiori* it can have none with reference to other States where the incident has not occurred.

24. The danger of applying a wrong precedent may here be well illustrated by reference to a latest instance. At the investiture of His Highness the Maharaja Holkar with ruling powers in 1911 above referred to, a precedent from other States was followed by the British Government; and it occasioned a mistake in ceremonies. The point was brought to the notice of Government who very kindly agreed that the precedent was inappropriate and gave an assurance that the point would be borne in mind on future occasions.

25. In these circumstances it should be obvious why "the Princes, viewing the application of this case-law to their individual relations with Government, are uneasy as to its ultimate effect." The British Government have time after time declared that the treaty rights of States would be scrupulously observed. This declaration affords a complete guarantee to the States for their rights and it is suggested that any political practice or usage which may be contrary to the spirit of treaties or agreements should be authoritatively declared as null and void. Unless this is done the treaties would lose their sacred and binding character. If, however, any practice or usage is acceptable to any Ruling Prince, it should form the subject of a fresh treaty or agreement in order to obviate all chances of doubt or misunderstanding.

26. Paragraph 1 (4) of the Agenda suggests that the Council of Princes should be invited annually to appoint a small Standing Committee to advise the Government in matters affecting Native States. It is noted with satisfaction that "no reference affecting any individual State would be made to the Committee without the concurrence of its Ruler." It is wise to resolve to take action in such matters after full consultation with those who are in a position to offer sound advice based on their long association with the State concerned and their intimate knowledge of its rights, traditions and usages. This local knowledge can only be acquired after years of painstaking study and it is hard to conceive that Princes and Ministers will be readily available who possess this knowledge of the States about which the Government may consult them. If they have not this knowledge, their opinion will not be helpful in enabling the Government to arrive at a right decision and may even be misleading. Even if the members of the Advisory Board can spare sufficient time and energy to read up all the records and thus gain a degree of familiarity with local conditions, how can they, being foreigners, be expected to enter fully into the feelings of a State or to appreciate its sentiments? Unless they can do so, they cannot be regarded as suitable advisers to the British Government on matters connected with the State.

27. In such matters where the rights, privileges, and usages of a State are concerned, the safest and soundest policy for the Government would be for them to decide on the line of action to be taken after full and free consultation with the State itself. The Prince after a full enquiry and consultation with his ministers and advisers could state his views on the subject and these could be sent to the Viceroy through the usual channel. In case there is a difference of opinion between the State and the local representative of the British Government it would help the Government to arrive at a right decision if they make the Prince fully acquainted with the views of their local representative so that the Prince may be enabled to adduce additional facts in support of his contention or to point out any error that might be detected in the argument of the British representative. If this course fails to meet the requirements of the case, the Prince could be invited by His Excellency the Viceroy to depute his trusted Minister to discuss the matter with him personally. In this way mistakes could be avoided. No State would like to hazard its interests by entrusting to strangers unacquainted with its traditions and privileges, however high their rank and abilities may be, the function of advising the British Government on matters of vital importance to it.

28. The next item* relates to "Commissions of Enquiry." The spirit permeating the following passage is appreciated:—

* *I* vide paragraph 1 (5) of the Agenda.

"In such cases there exists at the present moment no satisfactory method of obtaining an exhaustive and judicial inquiry into the issues, such as might satisfy the States, particularly in cases where the Government of India itself is involved, that the issues have been considered in an independent and impartial manner."

To enable the States concerned to derive the fullest benefit from the proposal it is essential that a reference should be made to the proposed Commissions in all cases of importance and if any party is dissatisfied with the finding of the Commission he should have a right of appeal or representation to higher authorities. It is further absolutely necessary that a definite procedure should be laid down, with the consent of Native States, for the guidance of the Commission. If these provisions are made, His Highness may agree to the proposal. It is presumed, however, that in minor cases such elaborate machinery would not be employed, but that a simpler procedure, like that at present, would be followed.

29. Another item† refers to the Commissions to enquire into the conduct of a Ruler. The idea of putting a Ruler on trial, though the proceedings of it may not be made public, is of a startling nature. The position of the Rulers of Indian States is unique. Set in authority

† *I* vide paragraph 1 (6) of the Agenda.

over millions of their subjects they exercise a power and influence which is a great asset to the Empire. The whole-hearted loyalty of the subjects to their Ruler is entirely a personal loyalty built up on ancient tradition and custom. To the subject the Ruler is the embodiment of world power and all his hopes and interests are bound up in the State. Any action that tends to lower the prestige of the Ruler in the eyes of his subjects is sure to weaken his hold on them and thus render his task of carrying on the Government of his State more difficult if not impossible. What can lower a Prince more than the spectacle of his being dragged like an ordinary criminal before a Court of Enquiry. Even if the verdict is in his favour, his glamour goes for ever, thus weakening not only his hold but that of his successors too on the willing respect and obedience of the people that had been paid to the Ruler from generation to generation. The notion that the trial of a Ruler is possible would encourage mischiefmongers and busy-bodies who are to be found everywhere, to stir up discontent by exaggerations and inventions. They may gain the ears of the British authorities; and the matter may prove an endless source of mischief and nuisance both to the Ruler and the British Government.

30. These considerations are themselves sufficient reasons why the proposal should be deprecated; and there is hardly any need to consider whether the course can be defended or justified in the case of those Rulers whose treaties contain no clauses enjoining attention to the happiness of their subjects and to the administration of justice, but give them an absolutely free hand in the internal affairs of their States. It may very well be asked whether one "ally" can be tried by another.

31. Of course nobody would like to defend mal-administration in a Native State. It is in the best interests of the Princes and their subjects that anarchy and chaos do not reign in their States. The growth of education and the gradual appreciation of the requirements of the times make it improbable that in any Native State of note, the same standards of administration would in future be found to be adequate that sufficed for the people fifty years ago. Changes will come and nobody would like to pretend that he can stop them coming. But what is maintained is that the Native States should be left severely alone to work out their own destinies as indeed was strongly recommended by the distinguished Statesmen mentioned above. The British Government can, if they think necessary, point out to a Prince the probable effects of his actions and may advise him as to the best course to be pursued; and there can be no doubt that a friendly and timely hint like this will meet the situation.

32. Paragraph 1 (7) of the Agenda—As far as this State is concerned under Article XIV of the Treaty of Mandsour (1818), "an accredited minister from the British Government shall reside with the Maharaja" and "the latter shall be at liberty to send a Wakil to the Most Noble the Governor-General." Accordingly a British Officer called the Resident was stationed with the Maharaja Holkar and he was in direct communication with the Government of India. Since 1854, the Agent to the Governor-General in Central India has been performing the duties of the Resident, except during the short period, 1899—1916, when owing to special circumstances, a separate Resident was posted. It is a mark of honour that a high Political Officer of the status of the Agent to the Governor-General should reside with His Highness, and it is believed that this time-honoured arrangement will be continued in future if an Agent to the Governor-General is continued under the new arrangements.

33. The item in paragraph 1 (8) of the Agenda relates to the joint "deliberation between the Government of India and the Princes on matters of common interest to both." The distinguished authors of the Report observe * that "in the past it certainly has occasionally

* Paragraph 311. happened that the States were vitally affected by decisions," affecting India as a whole, "having been taken without reference to them" although "they have a clear right to ask for it in the future." This is a welcome announcement. In view, however, of what has been stated above on the question of the Council of Princes, it is desired that in matters of common interest an opportunity will be given to the Indore State to represent at its option its views as it does under the present arrangements. His Highness, it is presumed, would ever be ready and willing to advise His Excellency or render any assistance to the Empire as his grandfather (His Highness the late Maharaja Tukoji Rao) used to do as Counsellor of Her Majesty the Queen-Empress of India, and that should there be an invitation from His Excellency the Viceroy to the proposed Council to take part in the deliberation before the Council of State or to serve on a Committee of the Privy Council, His Highness would ask that on such occasions he, too, may be allowed at his option to depute a representative.

34. With regard to the question of precedence among Ruling Princes *inter se*; His Highness has already observed that, in view of the relations that subsist between the Ruling Princes and the British Government, it is not possible to differentiate between the order of precedence for purely social and purely official purposes. The two are so intimately connected with each other as to preclude the possibility of bifurcation without infringing on some or other of the rights and privileges which are enjoyed by the Ruling Princes since they entered into treaty relations with the British Government: rights that they greatly value and which the British Government are as anxious to maintain as the Ruling Princes themselves. The status of a State depends not on the size or extent of resources but on its previous history; on the position it occupied when that State entered into political relations with the British Government and on the extent of autonomy exercised. It is a complex matter and will necessarily lead to divergence of views. In such questions it is but natural for every Ruler to adhere to

his own point of view. As His Highness has already observed, it would be undesirable to approach any subject that might have the least tendency, however remote, to disturb the present feeling of mutual esteem and good-will and, therefore, this question should not be considered at the Conference.

R. DUKE,

The 20th December 1918.

Chief Minister to His Highness the Maharaja Holkar.

Views of His Highness the Maharaja of Orchha.

I have much pleasure in noting below my opinion on the questions contained in the Agenda for discussion at the Conference of Princes.

I.—(1) I find, on this side of India at any rate, that the States may be grouped into three classes, namely, the Treaty States, the *Samad* States and the Minor States or Estates. Not only from their own historical status, but from the terms of their engagements with the Government of India, the three classes were markedly different from each other. But during this long interval there has been a tendency towards the levelling down of their status. The common terminology of "Native States" referred to in paragraph 302 of the Reform Scheme would not alone do much to this end. There appears to have been other factors. One of them was the fact that the Political Agent has occasionally to deal with every one on the same subject. This has led, probably inadvertently, to the same procedure being adopted for all the States, tending to level down their status. Let me explain myself by an example.

Formerly, in referring to my Darbar, the Political Agent made use of a distinct letter to the Diwan. Recently, the practice has been adopted of issuing a single circular which every one of the States has to note and pass on to the next. As I understand it, this form of communication was not meant for such parties. The State coming at the bottom of the list get the circular long after it was issued, while there appears to be no advantage gained. If it saves the trouble of copying in the Agency Office, it throws the trouble on the States. And since the invention of the typewriter with its adjuncts, the carbon paper and the duplicating machine, even that point is lost. One would be tempted to think there might be some other object of the procedure adopted. As I have said, this is an example.

I agree with the proposal that a distinct and definite line should be drawn separating the States with full internal independence from others. But the theoretical line alone would not be enough. In fact such line already exists. The difference should manifest itself in practice in the treatment accorded to the States. What that treatment should be in the case of the former class was indicated by the Marquis of Hastings in 1814 when he said :—

"In our treaties with the Native Princes we recognise them as independent Sovereigns.
"Then we send a Resident to their Courts. Instead of acting as Ambassador * * "

The above instanced levelling tendency, then, it would only be fair and just to check, and therefore to remove, the cause that leads to it. One way that might suggest itself would be to appoint a Resident for a State of the former class, or two or more States of the same class situated together and not very large in individual territory, and to put another Political Officer in charge of the other States or Estates. But a better way perhaps would be to let the historical and geographical group remain related to a single Resident, and to let the communication between the Resident and the little States or Estates in the group pass through the Treaty State concerned. The latter system has several advantages to recommend it. It is the less expensive to the Government, and expense is one of the most important post-war problems. And it would tend to uniformity and reciprocity of measures adopted in combating famines and epidemics without losing the individuality of the petty States.

(2) I agree with this proposal. At the invitation of Government I have given instances of disregard of treaty engagements so far as Orchha State is concerned, and I hope the information will be of use in providing the remedy.

(3) I agree that a permanent Council of Princes should be established. From the nature of the case and from the fact that some of the largest States do not seem likely to join it, I understand that the Council will be a consultative and advisory body, and that there will be no voting and no decision binding on each and every State.

(4) I also think that the formation of a Standing Committee is equally necessary.

I need not enter into the details of either the Council itself or the Standing Committee, as I feel sure they can be better dealt with by a discussion in the Conference that is going to be held. I am, however, inclined to think that the Political Department might, with advantage to both, refer to the Committee one and all questions of common concern instead of referring some and withholding others.

(5) In my opinion, the resort to a Commission, as proposed in paragraph 308 of the Reform Scheme, is a valuable provision. I should like to add that where either party objects to the appointment of a particular High Court Judge, for reasons to be mentioned confidentially, the objection should be given due consideration and another Judge selected. It should not be difficult to effect the change when there are so many High Court Judges to choose from. Of course, the objection would imply no reflection on the Judge. To prevent any unpleasantness, the selection may not be notified or made public until it has been agreed to by the parties

(6) I agree that an enquiry on questions named in the Agenda, with the help and advice of a Commission as proposed, would be more conducive of not only actual equity and justice for the party concerned but of the feeling of the same, which is little less necessary. The scheme, however, while recommending 5 members, details only 3, namely, one High Court Judge and two Ruling Princes. It does not specify the remaining two. I should think all the four, besides the High Court Judge, should be Ruling Princes. Here again, I would add the proviso that, if the defendant, for good reason to be shown, objects to the inclusion of any Prince so chosen, his objection should be heard and generously considered.

(7) I realise the benefit of the general principle of placing all the important States in direct relation with the Government of India, that is, with only one medium of communication between the Government of India and the States. To this I should like to add that, in order to keep such States in touch with the Government of India, they might be allowed to maintain, at their option, their accredited agents at the Viceregal Court. If the choice were restricted between a local Resident and an Agent to the Governor-General as they now exist, I should prefer a Resident. But with a broader view and taking into account the multitude of smaller States that tax the energy of the Political Officers, I may add that such group of them as have a historical relation with an important State should be made to correspond with its Resident through that State. There would be nothing new in this idea, as there are already instances of this nature existing. Further advantages accruing to the Political Department and those petty States have already been mentioned in paragraph 1 above. I need only add my conviction that the main State would willingly undertake this honorary work for the sake of a name.

(8) I realise the necessity of providing means for joint deliberation on questions of common interest to British India and the States, while I like the general principle of the line of action indicated in paragraph 311 of the Reform Scheme. I trust, as regards details, that the Princes will be better able to discuss it among themselves at Delhi before the question is taken up in the Conference. For the practical working of this scheme appears to me to require full consideration and deliberation.

II.—Regarding the question of precedence at social functions, it is not only necessary to say what it should be in future, but to know the governing principle on which that precedence has been arranged at the social functions in the recent past. I should, therefore, prefer to see this question gone into and discussed fully among the Princes, who will be assembled in the Conference, where any information found necessary will also be readily obtainable.

Reply of His Highness the Maharaja of Samthar.

I will co-operate in the matter suggested in the Princes' Conference.

Views of His Highness the Nawab of Jaora.

The distinguished and talented authors of the Reform Scheme in their excellent and admirable Report on Reforms have, out of genuine interest for our Order, devoted a whole chapter (No. X) in giving expression to their provisions and proposals for the future position to be occupied by the Ruling Princes and Chiefs of Native States. In doing so, the first proposal put forward is to bring into existence a Council of Princes. This Council is intended to be a permanent consultative body.

Paragraph 306 which relates to this Council, makes no mention as to how this Council is to be constituted and composed, but from a reference made in paragraph 302, it is apprehended that the idea is to separate "the Rulers who enjoy full powers of internal administration from others." The learned framers of the Report have stated their opinion that they were convinced that it would improve and assist future relations between the Crown and the States if a definite line could be drawn separating the Rulers who enjoy full powers of internal administration from others. This view of the able authors might naturally lead one to conclude that the object is that the Chiefs exercising full powers only are to be the members of the Council excluding all others who do not exercise such powers. If I am right in drawing this conclusion, I strongly assert that this basis of constituting the Council neglects the claims and interests of smaller States. It does not seem that the interests of smaller States, whose importance is no less, have been adequately guarded as compared with those of wealthier and more powerful Rulers. A Council with such constitution would not at all be acceptable to many of us and we desire to raise our voice strongly and emphatically against it. Such a constitution would enable a second class State in Gujarat with a small income of about two or three lakhs and without the honour of a salute, to gain a membership of this Council simply because, by some chance of administrative arrangement, it happens to come under the class of full-power Chiefs.

A Council so constituted would be a Council of a chosen few but not a thoroughly representative assembly. A Council of Princes should, to all intents and purposes, be a perfectly representative institution. To make it so representative, and in order that it may be so useful to serve the intended purpose, it may be suggested that the constitution be defined to include

all the Ruling Princes and Chiefs down to 9 guns irrespective of any consideration of their being a tributary or a feudatory to any larger or bigger State. The true test of the dignity and position of a Chief is the honour of the salute he enjoys. Hitherto all Chiefs, up to 11 guns salute, have been invited to this Conference from the year 1916 to 1918 without any consideration of one being a feudatory or a tributary of another. The Council of Princes, proposed by the honourable framers of the Report, is to evolve out of, and is to take its rise from, this Conference. With what propriety or justification then one can now exclude a Chief from the precincts of the Council who has taken part in the deliberations of this Conference for the past three years?

I, therefore, propose that the definition defining the constitution of the Council should fix the dividing line at salute Chiefs down to nine guns. This definition is simple and offers no difficulties. It is not to be feared that the constitution formed on this basis will result in the Council being too large and unmanageable. The total number of such Chiefs is 110, and as some are invariably minors and others too old and infirm to attend, while a few may have other causes to be absent, I think there is absolutely no danger of such a large attendance that difficulties may be felt in conducting the work of the Council with convenience.

I, therefore, hope my suggestion on this point will be carried and accepted by the Government.

2. I now go to paragraph 307 which embodies the second proposal that "the Council of Princes should be invited annually to appoint a small Standing Committee to which the Viceroy or the Political Department might refer matters relating to customs and usages".

This proposal, specially the composition of the Standing Committee, requires reconsideration. The customs and usages vary all over and are different in different provinces and agencies, and therefore to appoint a small Standing Committee would not be of much value. The Committee may not be in a position to give substantial advice to the Government or the Political Department regarding peculiar customs and local matters of different provinces. One small Committee may fail to guide the Government in the right direction and the object of creating such a Committee may not be satisfactorily gained. It may, therefore, be proposed that the Council of Princes should be asked to appoint annually from amongst its own members a series of local Standing Committees one for each agency, e.g., Rajputana, Central India, etc., to which the points of customs, usage, etc., may be referred with regard to that particular agency. Such Committees, in my opinion, will be of greater help to Government than one small Committee of a few Chiefs.

3. The third proposal is for Commissions of Inquiry contained in paragraphs 308 and 309 of the Report. The proposal to appoint Commissions of Inquiry into disputes between a State and Local Government or the Government of India and for cases of misconduct is really to be greeted and approved, but it will be worth while consideration if such a Commission is necessary for inquiry into cases of disputes which may arise between two or more States.

A Commission presided over by a Judge of a High Court of Judicature will be a very costly and expensive tribunal. The contending parties will have to be represented by very able lawyers to obtain an exhaustive judicial inquiry into the issues. This will involve them in heavy costs without even the small solace of recovering them at the end. To a small State confronting a bigger one such a litigation may prove to be ruinous. A wealthy opponent, I mean a Ruler of a big State, may in spite and irritation prolong the inquiry, with some excuse or other, for months and years with the idea of exhausting the weak party and thereby to compel him to yield. There is every danger of the weak side being thus crushed and ruined beyond all hopes. A Commission of Inquiry cannot therefore be said to be a suitable and reasonable machinery for getting disputes settled in a just way.

In cases of disputes between States, the Government is quite a third party, uninterested and unconcerned, and therefore they are better fitted to adjudicate such disputes. In my opinion, disputes between two States should always go first to the Local Administration and then to the Government of India, and the parties should have the final right of appeal to the Secretary of State for India.

A decision thus given by the Government of India and finally by the Secretary of State will carry much weight and will be more convincing and comforting to the parties than that of a Commission of Inquiry. I trust this suggestion will be accepted and the proposal will be accordingly modified.

4. The proposal contained in paragraph 310 to place all important States in direct political relations with the Central Government is one which will command approval of us all. For most of the States there exist at present two intermediate agencies, the Political Agent or a Resident and the Agent to the Governor-General. The Political Agent is no doubt an officer of use and importance to small States as he is a friend and adviser of Chiefs, and so derive benefit from his experience, but his medium makes the correspondence lengthy and matters are greatly delayed. To avoid delay and to get matters settled with as much ease and convenience as possible, it is necessary to curtail one agency and I, for my part, would prefer to propose that the medium between a Darbar and the Agent to the Governor-General may be abolished. In my opinion, it is sufficient to have one agency, that of the Agent to the Governor-General.

5. The proposal advanced in paragraph 311 for joint deliberations on matters of common interest is one to be accepted without objection.

6. In paragraph 305 of the Report, it is stated that the Government of India are of opinion that there is need for re-examination of the position of the Ruling Princes. There could be nothing wrong if engagements be made more clear and distinct and ambiguity and misunderstanding, if any, be so removed as to make the position of Chiefs definite and distinct. For my part, I would not object to such a re-examination of position specially when assurances are given by the Right Hon'ble the Secretary of State and His Excellency the Viceroy that the re-examination will not be "with a view to any change of policy, but in order to simplify, standardise and codify existing practice for the future" and that "no constitutional changes which may take place will impair the rights, dignities and privileges secured to them by treaties, *sanads* and engagements or by established practice". In face of such an assurance from the distinguished authors of the Report, drawn up with such wisdom and foresight, I can hardly conceive any reason to voice against the proposal.

Reply of His Highness the Maharaja of Charkhari.

I shall concur with the proposals carried out by the collective opinion of the Ruling Princes and Chiefs on the questions to be discussed at the Delhi Conference.

Views of His Highness the Maharaja of Ajaigarh.

I whole-heartedly support the view enunciated in paragraph 302 of the Report that there should be an improvement in the relations between the Crown and the States; but it appears to me that the application of a common term "Native States" to all Indian States is a sign of possession by the Ruling Princes of a privilege, common to all, *viz.*, the powers of internal administration of their respective States. Differences in respect of powers enjoyed by Rulers of different States, are only of degree and not of kind, and so the uniformity of terminology is desirable, emphasising, as it does, the common feature of all Native States, *viz.*, the possession more or less of internal autonomy, the differences in the powers of States being matters of details. When relations of different States, with the Paramount Power, are based on treaties, *sanads* and engagements and when practice followed by the Government of India in its dealing with States differs with the status of each State, it appears very unlikely that the mere fact of a common designation is calculated to obscure distinctions of status. Therefore the common name "Native States" or any other that may apply to all Ruling Princes and Chiefs may be retained. If, however, any other name is devised, it may be wide enough in its scope to embrace the whole order of the Ruling Princes and Chiefs. I advocate this view with the sole object of maintaining the unity and solidarity of the Ruling Princes and Chiefs as a body. With the reservation noted above, I accord very cordial support to the Chapter X of the Joint Report under reply.

I take this opportunity of expressing my hearty thanks to His Excellency the Viceroy and His Majesty's Secretary of State for their earnest efforts in the direction of improving the position of Native States by allowing them a place in the constitutional development of India.

Reply of His Highness the Maharaja of Bijawar.

His Highness has informed the Political Agent that he will be content to accept the consensus of opinion of his brother Ruling Chiefs on the Agenda.

Views of His Highness the Raja of Ratlam.

My views have been expressed at the meeting held at Indore on the occasion of His
* A, *infra*.
† B, *infra*.
Excellency's visit, the proceedings* of which have
been recorded, and in my subsequent letter to the
Political Agent, as also in my separate memorandum.†

A.

PROCEEDINGS † OF A MEETING WHICH THE RULING CHIEFS, WHO WERE PRESENT AT INDORE TO MEET HIS EXCELLENCY THE VICEROY, HELD ON THE 19TH AUGUST 1918 TO CONSIDER THE REFORMS SCHEME AS AFFECTING STATES.

‡ The original proceedings were circulated for confirmation, and this paper embodies replies received thereupon.

While agreeing generally with the proposals as regards the States, there are certain points which it appears desirable to consider from the points of view of the *small States*, whose interests do not appear to be adequately guarded as compared with those of wealthier and more powerful Rulers.

Para. 302.—The proposals, as they now stand, draw the defining lines as between Chiefs exercising full powers and those which do not.

In the Scheme proposed by the Princes, two alternatives were considered, *viz.*, to draw the line—

- (1) at those exercising full sovereign powers ;
- (2) at those who had salutes of not less than 11 guns who were not feudatories of another Darbar.

The definition is adopted here. It appears to bristle with difficulties. Thus, without going more deeply into the question, the position of the Bombay States alone, under this definition, would be anomalous. Thus certain second class States in the Bombay Presidency would, under this definition, be eligible for a seat in the Council, while the same definition would exclude salute States of Central India.

The definition based on salutes as given in the Princes' own proposals is vitiated by the limitation to 11 guns and the proviso regarding feudatory relationships.

The definition should, in our opinion, fix the dividing line at salute Chiefs—that is, down to 9-gun Chiefs irrespective of any peculiar tributary relationship which may obtain.

This definition is simple and offers no difficulties. The total number of such Chiefs is 97, but as some are invariably minors, some too old or indifferent, there does not appear to be any danger that such a definition will result in the Council being too large and unwieldy. ??

[This proposal was accepted by all attending the meeting.]

Para. 307.—The composition of this Standing Committee, in our opinion, requires reconsideration. Provinces and Agencies have their own peculiar customs and usages and other local matters on which the advice of such a Committee would be invaluable. But it is essential that such Committee should be formed of those who belong to the locality concerned. This would not be easily obtained by appointing one fixed Standing Committee, and we, therefore, suggest that the Council of Princes should appoint, yearly, from among its own members, a series of local Standing Committees, one for each Agency, *e.g.*, Rajputana, Central India, etc., to which points of custom, usage, etc., could be submitted for opinion at any rate in the case of Hindu States.

[This proposal was accepted by all attending the meeting.]

Para. 308.—Two classes of disputes are here referred to, *viz.* :—

- (1) As between two States.
- (2) As between a State and a Local Government or the Government of India.

It is proposed that, in such cases, failing ordinary methods, a special Commission should be appointed with a High Court Judge to adjudicate, each side being represented by a nominee.

We would suggest that these two forms of dispute should be differentiated, *viz.* :—

- (1) Cases between two States should *not* be submitted to such a Commission but be decided by the Government of India.
- (2) Cases between a State and a Government or the Government of India could be so treated.

The objection to a Commission is mainly expense. The nominee would undoubtedly have to be a Barrister or Pleader, and this would introduce all the pains and penalties of judicial litigation without even the small solace of recovering costs at the end and, without wishing to imply that such is likely to be the case, it is still conceivable that an irritated rich Darbar might contrive to prolong even a bad case until a poor opponent was ruined or at any rate put to great expense.

With regard to this proposal, His Highness the Maharaja of Dhar proposed an amendment—

“Cases between two States should not be submitted to such a Commission but be decided by the Government of India unless both parties desired that it should be so submitted.”

This was circulated and on it the following views were expressed :—

* * * * *

His Highness the Raja of Ratlam remarks that it is inconceivable that both sides would desire a Commission—or at any rate it would very rarely occur. The idea he held was that the principle underlying the proposal for a Commission was that, where dissatisfaction existed, a third party could be given an opportunity for going into the case. But in disputes between the States, the Government of India is already in the position of that third party and years of practice have shown that there is never a shadow of doubt as to the “independent and impartial manner” in which it investigates cases, and hence a Commission in such cases is an unnecessary re-duplication of machinery. It would only create a litigious disposition in the

States, which are now in Central India free from it, a spirit which has led to large sums being budgetted yearly in some Kathiawar States simply for litigation. Hence His Highness the Maharaja of Dhar's amendment appears unnecessary.

As regards disputes between two States, however, it should be laid down that a right to a final appeal to the Secretary of State should be recognised.

* * * * *

Para. 310.—His Highness the Raja of Ratlam.—This matter is of vital importance, but was not sufficiently discussed at the meeting and should be again fully discussed and a definite and unanimous decision arrived at on it before the Conference at Delhi. Generally His Highness holds that the post of Agent to the Governor-General is essential in Central India. In His Highness' opinion the present arrangement, which gives a Political Agent to States, is most suitable to the case of small States. Without him there would be no one in direct and sympathetic touch with the Darbars, a loss which would be accentuated when bigger neighbours had Residents in direct correspondence with the Political Secretary. Still the system should be uniform throughout, possibly the presence of such an intermediary officer might even prove detrimental.

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B.

MEMORANDUM ON THE PROPOSED COUNCIL OF PRINCES.

(HOW IT AFFECTS RATLAM, THE PREMIER RAJPUT STATE IN MALWA.)

"From being at the head of a large and powerful family, the Raja of Ratlam has great influence, and can, upon emergency, call a numerous band of his kindred and clansmen into the field." So wrote Sir John Malcolm, G.C.B., nearly a century ago, when he was in Military and Political charge of Central India. (*Vide* his Memoir of Central India, Edition of 1823.)

In another place in the same work is written :—

"The Rajas of Sitamau, of Sailana, Kachee Baroda, and Multhan, are all descendants of Rattan Singh (the founder of the Ratlam State) : the elder brother of the family continuing to rule over the town and the province of Ratlam and to receive a general obedience and respect from the Junior Branches."

Aitchison has, in his "Treaties, Engagement and *Sauads*", referred to the high position of the Raja of Ratlam in the following terms :—"The Raja of Ratlam, who is descended from a younger branch of the Jodhpur family, is considered the principal Rajput leader in Western Malwa and in consequence receives a voluntary allegiance and assistance if called for from the neighbouring Rajput Chiefs." (*Vide* paragraph 587, Volume III, Edition of 1876.)

Major (now Lieutenant-Colonel) C. E. Luard, in his Gazetteer of the Ratlam State, writes :—"The Raja of Ratlam being the head of the Rathor Rajputs of Malwa, important clan questions, even between persons who do not belong to the Ratlam State, are referred to him for decision." (*Vide* paragraph 12, Ratlam Gazetteer, published in 1908.)

The latest Government publication "The Historical Record of the Imperial Visit to India" compiled from the official records under the orders of His Excellency the Viceroy and Governor-General of India has the following reference to the present Ruler of Ratlam : "The head of the Central India Branch of the Rathors is Major His Highness Sir Sajjan Singh Bahadur, Raja of Ratlam, whose State was founded in 1651 by Ratan Singh, a grandson of Raja Uday Singh, of Jodhpur." (*Vide* paragraph 133 of the Imperial Visit to India, published in 1914.)

Nearly half the area of the Ratlam State territory is granted in *jagirs* over which the Raja of Ratlam exercises "all suzerain rights, such as *sayer* (customs), excise, forests, unclaimed property, treasure trove, and civil and criminal jurisdiction, as also the escheat of lands in case of a Thakur's death without heirs."

The State has the right of minting its own coin. The State enjoys a permanent salute of 13 guns. The Ratlam Darbar has power to legislate for the State, and several Acts and rules specially passed in former years by the Darbar are still in force in the Ratlam State; but with a view to co-operating with the Government of India, in their judicial policy by securing uniformity in laws and procedure, in recent years the spirit of the British Indian laws has been followed by the orders of the Darbar in all the civil and criminal courts of the State, as has been done in many other States, big or small. The existing laws and rules are amended by circulars when necessary.

The Raja of Ratlam thus enjoys full jurisdiction in criminal cases and can pass any sentence authorised by law, but is required to submit all sentences of death and transportation for confirmation by the Hon'ble the Agent to the Governor-General in Central India.

The civil powers of the Darbar Court are unlimited, and it is also the final court of reference and appeal.

In the report on Indian Constitutional Reforms recently issued certain proposals regarding the institution of a Council of Princes have been made which are viewed by this Darbar, as also by several others similarly situated, with considerable uncertainty and uneasiness; for it has been observed by the Honourable framers of the Report in paragraph 302 :—

"We are convinced that it would improve and assist future relations between the Crown and the States if a definite line could be drawn separating the Rulers who enjoy full powers of internal administration from the others. Our own proposals in paragraphs 306 to 311 below assume that such classification can and will, after due enquiry, be effected, and are intended to relate only to States of the former class".

This line of policy was foreshadowed in His Excellency the Viceroy's speech at an informal meeting at Viceregal Lodge in February 1918, when he stated that he would ask the Political Secretary to take up and examine very carefully the question as to what Ruling Princes and Chiefs should be regarded as comprised under heading (a) of paragraph 2 of the Draft Scheme prepared by the Ruling Princes, that is, exercising unrestricted civil and criminal jurisdiction and the power to make their own laws.

The Ratlam State exercises full civil and criminal jurisdiction and has the power to make its own laws and enjoys all the rights and privileges of an important Native State, and its Ruler is entitled to a return visit from the Viceroy. The mere practice, therefore, of having the punishment of death or transportation passed by the Darbar confirmed will not be considered, it is hoped and trusted, as a ground for excluding the Ratlam State from the proposed Council of Princes.

It is a matter of history that the armies of Scindia, Holkar and the Pindaries laid waste many Rajput States about the beginning of the 19th century; and to put a stop to this the British Government adopted a general scheme of settling the country; and this it did by entering into alliances with States in Rajputana and into similar engagements with those in Gujarat, Kathiawar, etc. Ratlam is also a Rajput State, but it politically happens to be in the Central India Agency; while the bordering States of Partabgarh, Banswara and Dungarpur are in the Rajputana Agency. In 1817, when the Government was "affording protection to Rajputana States by entering into alliances with them and requiring them to disclaim all subjection to or acknowledgment of superiority of Mahratta Darbars", like Holkar and Scindia, the Ratlam Chief was having recourse to arms to free himself from such subjection. To quote from the Gazetteer of Ratlam compiled by Colonel C. E. Luard, M. A., I.A. :—

"* * * * * To meet Scindia's demands was, of course, impossible, as the State had been laid waste and the revenues had dwindled to almost nothing. There was, therefore, no alternative but to have recourse to arms; and Partab Singh (Raja of Ratlam) accordingly placed himself at the head of 12,000 Rajputs, including many clansmen who were subjects of other States, and determined to make a last desperate attempt for liberty. Broughton in his 'Lectures' mentions how 'Bapu Scindia experienced a severe mortification in the defeat of the detachment sent against the fort of Ratlam. The garrison sallied out during the night and completely defeated the troops sent against them, with the loss of more than half their numbers and all their guns.' Further bloodshed, however, was averted by the opportune appearance of Sir John Malcolm who mediated an agreement with Scindia and guaranteed, on behalf of the British Government, the payment of the tribute due, while Scindia was to send no troops into the country or interfere in any way in the internal administration or succession."

While the Rajput Chiefs of the neighbouring States of Banswara, Partabgarh, Dungarpur etc., which are neither bigger nor more advanced nor more important than Ratlam, have unrestricted criminal jurisdiction, the Rajas of Ratlam, Sitaman, Sailana, etc., and even the Nawab of Jaora (a treaty Chief) have not the same,—confirmation being required for capital punishment,—simply because there appears to have been no uniformity of policy or system when different parts of the country were settled in the beginning of the 19th century. The proposed basis of classification would thus, it is feared, exclude the Malwa Rulers from the Council of Princes, while it would evidently admit many petty Chiefs of Gujarat and Kathiawar, who, though paying tribute to Gackwar or Junagarh, and in some cases having even feudatory relations with them, and entitled only to nine or eleven guns and thus inferior in status to Ratlam, happen to exercise criminal jurisdiction without the condition of confirmation of capital punishment, which stipulation, however it may be submitted, cannot be said to affect in the least the enjoyment of full powers of internal administration by this State.

It is, therefore, hoped that the Government will now, as in the past, safeguard the interests of the Ratlam Darbar and give it an assurance that there is no cause for anxiety as to its dignity, privilege, prerogative and position as a sovereign Darbar suffering owing to any arbitrary classification.

Views of His Highness the Raja of Sailana.

I. (1) That with a view to improve future relations between the Crown and the States, a definite line should be drawn separating the Rulers, who enjoy full powers of internal administration from the others :—

(a) It is quite in the fitness of changed circumstances that a classification of the existing Native States is deemed requisite by the illustrious authors of the Report on Indian Constitutional Reforms, because they very truly and justifiably say that "Uniformity of terminology (Native States) tends to obscure the distinction of status". States should be differentiated so that the position assignable to them may be in accordance with some valid and intelligible principle. The differentiation is necessary for the purposes of paragraphs 306 to 311 of the Report.

(b) The so-called number of existing Native States is about 475 comprising big, small and smaller holdings. But all important States are indigenous territories varying in their extent, historical importance and other incidents.

(c) The Report seeks to differentiate the existing Native States by the only criterion, that is, of their possession of full powers of internal administration and it is plainly laid down that the proposals contained in paragraphs 306 to 311 apply to this class only and not to the remaining portion of the existing Native States, the Report assuming that "such classification can and will after due enquiry be effected."

(d) The previous history of classification of Native States though meagre is pertinently suggestive. In 1813, Lord Metcalfe grouped the Native States, and in 1818 Mr. Prinsep again classified the States in four divisions. The classification by those two high authorities, who had entire access to the records of the Government of India (Lord Metcalfe being the Governor General of India) was based on the then existing relations of the Government of India and the Princes. Mr. Tupper who was specially appointed to collect and formulate the political case law and practice of the Native States, mentions without repudiation the classification of Mr. Prinsep in his book "Our Indian Protectorate" published in the early nineties of the last century. The 1st Table of Salutes authorised by Her Majesty was contained in an Order in Council, dated the 20th March 1857, although its issue in India was delayed by the Mutiny. The earliest lists published by authority were sanctioned by Orders in Council, dated the 23rd January 1860 and the 1st March 1864. They were revised in 1867 and 1877 under the sanction of Her Majesty. These lists of salutes are regarded by the Princes as the surest possible index of their status. It is believed that these salutes were sanctioned on the total consideration of all the *pros* and *cons* of the different shades of sovereignty enjoyed by the Princes. The Table of Salutes could fairly be regarded as a suggested authorised classification, because the enjoyment of salutes is the most potent and patent sign visible of sovereignty.

(e) Just a century after the classification of Mr. Prinsep, owing to the pronouncement of the 20th August 1917 by the Government of His Majesty, need for an organic constitution of Native States of India was felt by some of the important progressive Princes and Chiefs assembled in Conference of 1917, who appointed a Committee to consider the establishment of a Chamber of Princes. The Committee considered the various functions of the proposed Chamber. For the membership of the Chamber the Committee could not but classify the existing Native States, and after mature consideration suggested the following classification :—

(a) Princes exercising full powers, etc.

(b) Princes enjoying salutes of 11 guns and over, excluding States and Estates having feudatory relations with other States, from participation in the Chamber, with a reservation for others deemed fit for participation.

(f) The Committee of Princes without putting its report before the entire House as agreed upon submitted it to His Excellency the Viceroy and the Right Honourable the Secretary of State, as the time for the departure of the Secretary of State was almost up. His Excellency the Viceroy and the Secretary of State almost entirely accepted the Committee's report for classification, as is evident from the Digest of Proceedings of the informal meetings held at the Viceregal Lodge on the 4th and 5th February 1918.

(g) In July last, the Report on the Indian Constitutional Reforms was out. The terse phraseology of the last two sentences of paragraph 302, does not clearly specify the status of those Princes who enjoy the honour of 11 guns' salutes and over comprised in the classification recommended by the Committee of the Princes and accepted by His Excellency the Viceroy and the Secretary of State in the Digest of Proceedings of the meetings held at the Viceregal Lodge on the 4th and 5th February 1918. The paragraph 302, recognising only one class comprising Princes enjoying full powers fit for participation in the proposals set forth in paragraph 306 to 311, is very disappointing not only to those Rulers who enjoy the honour of 9 guns' salutes, but also to those who enjoy the honour of 11 guns' salutes and over who have somewhat restricted powers. The whole of the Chapter X of the Report does not find any place for those who enjoy full powers *de jure* but not *de facto*. Some smaller Native States enjoy almost full powers of sovereignty and as such there ought to be found some place for them in the proposed Constitution.

(h) The question is whether the criterion of enjoyment of full powers could be the only criterion for the determination of the status of a Native State. Paragraph 302 does not clearly specify, as stated above, those Ruling Chiefs who though they exercise somewhat restricted

powers, enjoy other powers, the patent signs of real sovereignty. All the Princes and Chiefs enjoy some sort of internal sovereignty in their States. The Government has recognised the principle that sovereignty could be divided into smallest portions but full sovereignty in internal administration has not been defined anywhere in the political literature of the Government of India. The enjoyment of full powers of sovereignty in the internal administration even by some of the most important States if construed within the purview of paragraphs 303 and 304 of the Report, would be found to be the enjoyment of only restricted powers. Full power in internal administration has come down to mean the power of exercising the capital punishment. There are Rulers who enjoy the power of life and death over their subjects but enjoy salutes of 9 guns only. According to the classification of paragraph 302, paragraphs 306 to 311 will be applicable to such Rulers who though enjoying full powers have the honour of 9 guns' salute only. But these 9 guns' salute Rulers, some of whom enjoying full powers have not been invited to the present Conference for the determination of the all-important question of classification. While on the other hand the Princes enjoying the honour of 11 guns' salutes and over, with full powers but requiring confirmation by political authorities in capital sentences, have been invited to the present Conference for the determination of the subjects mentioned in the Agenda, including the question of classification. But according to the wording of paragraph 302 they cannot be supposed to be intended for the benefits and privileges of paragraphs 306 to 311. Being invited for the determination of classification, the Princes of 11 guns' salute and over exercising the full powers with the restriction for confirmation of capital sentences, cannot justifiably be ousted from the benefits of paragraphs 306 to 311, owing to the accepted recommendation of the Princes' Committee for classification, although that recommendation has not been couched *in extenso* by the illustrious authors of the Report in paragraph 302.

Up to this time I am not aware of any principle fixed by the Government for the grouping of Native States, and I believe that the possession of full powers by itself cannot justifiably create a class. Supposing it could, then what would be the number of such Ruling Princes who by their treaties and engagements have got the powers of capital punishment without any confirmation of the sentences awarded by them by the Political authorities? The number would be very small indeed, and out of that small number some have already expressed their unwillingness for participation in the Reform proposals and as such the number would remain very insignificant, considering the extent of the vast Indian Empire under homogeneous Indian rule. The composition of the Princes' Council ought to be proportionate to the extent and the interests concerned.

(i) What are the other possible criteria for the determination of the classification of the existing Native States. Though not exclusive nor exhaustive the criteria may be considered as follows:—

1. Previous history of the State before the suzerainty of the British Power in India.
2. Constructive and *de jure* possession of full powers dwindling down to restricted powers by justifiable or unjustifiable encroachment or long disuse.
3. Previous history of the State, prior to and at the general pacification in 1818.
4. Subsequent acquirement of position after 1818 by winning distinctions and honours for meritorious services.
5. Extent of territorial possessions.
6. Actual extent of internal sovereignty.

All the above criteria would be dealt with by those who have intelligent self-interests in them.

(j) The strongest and the most patent criterion of sovereignty in India as sanctioned by various Orders in Council by Her Most Excellent Majesty the Queen-Empress is the enjoyment of salute of guns and is prized by the Princes of India par excellence.

The other criteria enumerated in this paragraph are no doubt of great force too, but that of salute of guns is the most visible of them all. Should no single criterion be feasible to accept, some basis of a mixed nature may be found, so that a justifiable equation may be struck. The whole question requires further discussion at our hands.

In my opinion, all the Princes who enjoy the honour of salute of guns of any number should be grouped as Sovereign Princes, only fit for the privileges of paragraphs 306 to 311 as Class I, irrespective of their possession of full powers or somewhat restricted powers. This class should be differentiated from the remaining States and estates which exercise some sort of judicial powers. These latter may be formed into another group called Class II and may be styled as Chiefs.

I. (2) That with the consent of the Rulers of States their relations with the Government of India should be examined not necessarily with a view to any change of policy, but in order to simplify, standardise and codify, existing practice for the future:—

The change of policy had been entirely in the hands of the Government in the last hundred years. Each State is dealt with separately. The case law or the political practice of separate States has grown bulky, rather uncertain. That codification has not proved an unalloyed blessing in British India and elsewhere, is the opinion of some eminent administrators; it has advantages and disadvantages like other essential questions, but on the

whole the advantages preponderate, as the result becomes more certain by codification if it is effected in plain language. The codification removes the potential complaint of confidential reports, the copies of which are not supplied. The Government have reserved their own proposals.

I propose that there should be a mixed Committee of the political authorities and the Princes or preferably their representatives, for the discussion and report on the question of codification. The report of the Committee should go to the Council of Princes which would finally decide the feasibility of codification. The Committee should also draw up a list of the matters on which codification is required. The word "necessarily" should be deleted from the text in the Agenda.

I. (3) That a permanent Council of Princes should be established :—

The goal of British Policy in India is Responsible Government as declared in the weighty pronouncement of the 20th August 1917, by the Government of His Most Excellent Majesty the King-Emperor and is hailed exultantly by the Princes and Peoples of India. Democracy is to be the rule of the near future. Native States being geographically part and parcel of India cannot escape the spirit of democratic liberalisation, which, though resisted for a time, shall have to be accepted finally. It is only a question of time. The future administration of India is to be a federation of Provincial Governments of British India and Native States, with a Central Government headed by the Viceroy. As stated above the goal of British Government in India is Responsible Government by progressive sure steps. With this goal in view in British India, the Native States cannot remain unaffected without assimilating the principles of congregational liberalisation. The Paramount Power, through its ministers and by the inclusion of His Highness the Maharaja of Bikaner in the Imperial and War Conferences and in the Peace Conference, has declared unmistakably that the Indian Princes are partners of the Great British Empire. What Prince of India is there—be he an ally, a friend, a protected Ruler, a feudatory, a tributary, or a vassal—who does not wish to be proud of being regarded as a partner of the Empire of His Majesty the King-Emperor? When the aim of the British Government and the heartfelt wish of the Princes are identical there is cogent and imperative need of having an organic constitution for all important Native States, and for adequate carrying out of the constitution there cannot but be a Council of the Princes.

I propose that all the Rulers of the existing Native States who enjoy the honour of salutes should be members of the Council of Princes. Out of 675 and odd Native States the number of Princes who enjoy salutes is about 115, including those who do not wish to participate in the proposed constitution and as such the Council would not be unwieldy and abnormally large.

I fully support the proposals contained in paragraphs 307 to 311 of the Report contained in paragraphs I (4) to I (8) of the Agenda.

II. I believe that the proposal contained in this paragraph ought to be dropped, as the question of precedence of Ruling Princes *inter se* at social functions is replete with serious difficulties at present based as it is on sentiments, and may be left for the Princes themselves. The coming events are already casting, as they invariably do, their shadows before, in clear and distinctive outlines. The time is soon coming when the Princes would themselves wish to have a programme for precedence in social functions.

Memorandum by His Highness the Raja of Sailana.

A copy of the digest of the informal Meeting of the Ruling Princes at the Viceregal Lodge, Delhi, on the 4th and 5th February 1918, and a copy of the Indian Constitutional Reforms have been received by me. The proposed Council of Princes suggested in the latter is welcomed by all of us.

2. His Excellency the Viceroy's policy as adumbrated on the draft Scheme prepared by the Ruling Princes, suggested the classification of the Native States for the purposes of the composition of the proposed Chamber of Princes, on the basis of the exercise of unrestricted criminal jurisdiction and the power to make laws and on the basis of the enjoyment of the salute of 11 guns and over not included in the first category. In fact the note, dated the 17th February 1918, with which the draft Scheme was circulated, clearly states that it was not the intention of the majority of the members of the Committee who proposed the Scheme to exclude from the Chamber of Princes, the Princes who enjoyed hereditary salutes of 11 guns and who did not exercise full criminal powers. After discussion, His Excellency the Viceroy stated that he would ask the Political Secretary to take up and examine very carefully the question as to what Ruling Princes and Chiefs should be regarded as comprised under the headings (a) and (b) mentioned in the draft Scheme.

3. Practically the above suggestion of His Excellency the Viceroy is incorporated in the last sentence of paragraph 302 of the Report on Constitutional Reforms. The question is whether the criterion of the salute of guns which had been getting precedence over other powers of Ruling Chiefs, is to give place of precedence to the enjoyment of plenary criminal powers. The paragraph 302 does not clearly specify the position of those Ruling Princes who though they exercise somewhat restricted criminal powers enjoy the honour of salute of guns in comparison to those Rulers who exercise plenary criminal powers but enjoy no honour of salute of guns or enjoy nine guns only. No doubt the Government would strike out

some equation for such a case. From the note of the 17th February 1918 with which the Draft Scheme of the Ruling Princes was submitted, I have no doubt that the Rulers enjoying the honour of salutes of 11 guns and over, though exercising restricted criminal powers, would not be debarred from the proposed Council of Princes mentioned in paragraph 306 of the Indian Constitutional Reforms.

4. Sailana enjoys the British protection and obtained the same settlement as Ratlam. In fact, out of the two copies of the same settlement one was given to Ratlam and the other to Sailana. Under this settlement non-interference in the internal affairs and succession was secured to this State. As such, this State makes its own laws and regulations, has its own mint, enjoys practically full civil and criminal powers but confirmation of capital punishment by the Hon'ble the Agent to the Governor General has become a practice. In the introduction of Volume IV (1893) of Aitchison's Treaties and Engagements it is stated that the mediatised Chiefs have no power of life and death. It seems that this remark was introduced later on under some peculiar circumstances and ought to have been regarded as a temporary measure. The restriction is not found at all in the settlement instrument, which secures entire non-interference in all the internal affairs of the State. There is as well no clue for the restriction mentioned in the said introduction or elsewhere in Aitchison's Treaties. There is likewise nothing to show that the remark in the introduction was entered by the consent and approval of the parties concerned or that the remark was the result of any adjudication by the Government of India. Lunawada and Sunth-Rampur States have the same settlement as the States of Ratlam, Sailana and Sitamai, but Lunawada and Sunth-Rampur Rulers exercise within their settlements full criminal powers, including death sentences, without any confirmation by the Political authorities although they only have the honour of 9 guns salute. The political and social status of the Lunawada and Sunth-Rampur Rulers is decidedly inferior to those of the mediatised Rulers of this Agency, so much so, that under the warrant of salutes they get the salute of 9 guns each, and as such, are not entitled to be addressed as Highness. The settlements of Lunawada and Sunth-Rampur on the one side and the settlement of the mediatised Rulers of this Agency on the other side being similar, it is hoped that the Central India Agency would see its way to be instrumental in the restoration of the plenary criminal powers to the mediatised Rulers of this Agency without any restriction for confirmation in capital sentences.

5. I believe that many Princes in Central India Agency enjoying 15 guns salute have also to take confirmation of the Hon'ble the Agent to the Governor General in cases of death sentences, but solely for this restriction of confirmation these Princes would not be considered ineligible for membership to the proposed Council of Princes. Unlike these States, the Kathiawar and Gujarat Chiefs of 9 and 11 guns salute enjoy full criminal powers and can pass capital sentences without confirmation. It is not conceivable that these Kathiawar and Gujarat Princes would have eligible claims for the Council of Princes to the exclusion of the 15 guns salute Princes who enjoy restricted criminal powers. These States of Gujarat pay tributes to more than one State. Are they to be considered in any way feudatories? If they could be, then the notion of divided sovereignty in no time and no country could be recognised. The payments by these Princes are merely expediency payments and nothing else. Kolhapur State which enjoys a 19 gun salute, requires confirmation for death sentences and also requires sanction for the appointment of its Minister from the Political authorities concerned. These two facts are wanting for full sovereign rights but the Ruler of Kolhapur on that account could not be considered as debarred from selection for the Council of Princes within the purview of paragraph 302 of the Report on Indian Constitutional Reforms. Many other instances could also be quoted.

6. The mediatised Rulers of Central India are of no recent creation. They have long pedigrees dating from the 16th century A.D. and from the very beginning are in the Imperial system of protected States. Along with other mediatised Rulers, I myself had the honour of being invited to the Rulers' Conferences at Delhi, and likewise in the Coronation Durbar of 1911 no distinction, hard and fast, was shown to my State in all Imperial functions as far as the Ruling Princes of the Indian Empire were concerned. Any apprehension for the mediatised Rulers being ineligible for the Council of Princes is out of question, but the terse phraseology used in paragraph 303 of the Indian Constitutional Reforms has led me to discuss the entire question of the basis of the enjoyment of full criminal power as the criterion for eligibility to the Council of Princes.

For reasons stated above, it is undesirable and even impolitic to attempt any classification of the Indian Native States, solely on the enjoyment of plenary criminal powers and the power of enacting laws, and would likely result in unpleasant and bitter controversies.

Views of His Highness the Nawab of Baoni.

1. Chapter X of the Reform Scheme, *i.e.*, the Agenda under consideration, does not put forward any practical basis for discussion. But I take up the various paragraphs of the Agenda, in order, and express in brief my personal opinion thereabout.

States to be distinguished with the standard of their importance.—The Conference, I hope, will have a great regard for this vital point in dealing with the various questions that

are to be raised, when it actually takes place at Delhi, specially when organising a general Council, to act as the representative of the Indian Princes at the Government headquarters.

Government intervention.—There have been, and there will always be, such cases in the Indian States, that the Government intervention will be most necessary. There should be a *defined*

limit of the Government intervention and the Conference should scrupulously adhere to this *holy policy*.

Paragraph 305.

Treaties.—There should be amendments, where necessary, without injuring the *bona fide* objects.

There should be organised a Princes' Council so that matters should be discussed.—I agree with it. Nothing could be done without such a Council. Chiefs enjoying salutes down to 9 guns

Paragraph 306.

must have a vote.

Paragraph 307.

To form Standing Committees.—These must be formed.

Paragraph 308.

Commissions of Enquiry.—May be started when need requires, without injuring the purse of

poor States.

Deprivation of a Ruler's powers.—It is very delicate matter, and I cannot express a definite opinion here, though I believe that, of course, there may be very grave cases, to have a recourse to such extremes. But, as a trustee, the Government should have a right.

Paragraph 309.

Mutual relations between the Government of India and the States.—I believe the Conference will exert every nerve to maintain the blissful relations and strengthen them as much as it lies in the power of the Conference.

Paragraph 310.

Mutual consultation between British India and the Indian States.—To make the Political machine work quite smoothly this is of utmost importance.

Paragraph 311.

I may, here, express my opinion, to be put before the Conference, about the formation of the Council. Under the present scheme, a wholesale Council is to be kept at the Government headquarters. If we desire that this enormous Council should be executive, I fear that it will prove a failure. It will be too big, and only an ornament and will come to nothing before long, as it may be formed on the standard of salutes or sovereign powers only. Thus a huge Council, at Simla or Delhi, will be most difficult to form. I am of opinion that, throughout the whole country, local councils should be organised among various specified circles, as the Conference may agree to frame, and from each of these "Local Councils", members should be selected and nominated for the *Chief Council* to be kept at the headquarters of the British Government at Simla or Delhi. Of course, the selected members, from the local Councils, will be the ablest and most fit to represent the Indian Princes and such a Council will be really executive and not ornamental.

Views of His Highness the Maharaja of Chhatarpur.

The kind sentiments expressed in the Joint Report of His Excellency the Viceroy and His Majesty's Secretary of State for India relating to Native States deserve the best thanks of all of us. It is kindly feelings like these that have hitherto helped and will in future help the establishment of excellent relations between the British Government and the Native States and the deepening of loyal feelings on the part of the latter to our illustrious Emperor. I fully approve of the Agenda for the Conference of Ruling Princes and Chiefs to be held at Delhi. It goes without saying that the Agenda this year is very important indeed, as it relates to questions of vital interest to the Native States. I am glad to see that my opinion has been invited on the points raised therein. I have nothing particular to say on the items of the Agenda except Nos. 1, 2 and 7 of its first part. These are such as seem to require a very tactful handling, as any adverse decision against particular Chiefs may cause an amount of heart-burning and dissatisfaction. I think at least 100 Chiefs should be included among the Rulers of important States and none enjoying a hereditary salute of 11 guns need be excluded.

The classification of the Native States on the sole basis of the enjoyment of full powers of internal administration by their Rulers does not seem very logical or desirable. To take only one point of significance and ignore many others equally, if not more, important in the general status of the Rulers may be a cause of injustice to those who are otherwise far more important than many such Rulers and have invariably been recognised as such even by the Government. Most of the larger States in Bundelkhand enjoy full powers of internal administration with the only exception that they have to refer death sentences for confirmation to the Hon'ble the Agent to the Governor General at Indore. Many other

States in Central India and other provinces are placed in a similar position, although they have been enjoying hereditary salutes of 11 to 15 guns. On the other hand, there are many such States which can pass even death sentences without any such reference, although their relatively general importance is quite ordinary and they do not enjoy a salute of even 9 guns. Besides this, some of these Rulers have no right to be called even Their Highnesses, and they enjoy seats in the Darbars much lower than those of the above-mentioned Rulers. From the practice and precedents hitherto followed consistently by the Government, it seems that it does not intend the above preference, but all the same it will naturally follow from the unqualified acceptance of the item No. 1 of the first part of the Agenda. It is open to doubt whether those Princes who have plenary powers in every department of administration but have only to refer death sentences for confirmation by some Political Officer and certain decisions of criminal administration by their Dewans are appealable, though only in theory, to some Political Officer, should he said to possess full powers of internal administration or not. It is submitted that this point may be definitely decided in favour of the Princes.

His Excellency the Viceroy has been kindly inviting certain Princes to the Chiefs' Conferences. It would be very disappointing if any of the Princes, who have been receiving such invitations, should in future be anyhow excluded from the class of the Princes enjoying plenary powers, and should also be considered important enough under item No. 7 of the first part, to have the privilege which is the subject thereof. The subject of the second item of the first part of the Agenda is ostensibly very important and seems to require very careful handling. It is hoped that the relations may be examined in a charitable spirit.

Views of His Highness the Raja of Rajgarh.

In paragraph 302 of their Joint Report on Indian Constitutional Reforms, the illustrious authors remark—"we are convinced that it would improve and assist further relations between Crown and the States if a definite line could be drawn separating the Rulers who enjoy full powers of internal administration from the others. Our own proposals in paragraphs 306 to 311 below, assume that such classification can and will, after due enquiry, be effected, and are intended to relate only to States of the former class".

In paragraph 306 they remark—"we wish to call into existence a permanent consultative body. There are questions which affect the States generally and other questions which are of concern either to the Empire as a whole or to British India and the States in common, upon which we conceive that the opinion of such a body would be of the utmost value". This body is to be called the Council of Princes.

In paragraph 307 it is proposed that the Council of Princes should be invited annually to appoint a small Standing Committee to which the Viceroy or the Political Department might refer matters of custom and usage and others, as it has been represented that difficulties have occurred by reason of the fact that the Political Department comes to decisions affecting Native States without being in a position to avail itself of the advice of those who are in a position to know from their own personal experience or the history of their States the right course to pursue. This body, like the Council of Princes, will be a purely consultative body.

In paragraph 308 the recommendation is made that Commissions of Enquiry should be appointed whenever the Viceroy felt that such an enquiry was desirable, in disputes which may arise between (1) two or more States, or (2) between a State and a Local Government or the Government of India, and (3) with a situation caused when a State is dissatisfied with the ruling of the Government of India or the advice of any of its local representatives.

In paragraph 309 it is recommended that such Commissions should be appointed to enquire into cases of misconduct on the part of the Ruler of a State.

In paragraph 310 it is recommended, as a general principle, that all important States should be placed in direct political relations with the Government of India. Paragraph 311 provides means of deliberation between the Government of India and the Princes on matters of common interest to both.

2. The Draft Scheme prepared by the Ruling Princes, and presented to His Excellency the Viceroy and the Right Hon'ble the Secretary of State on the 4th and 5th February 1915, contains nearly identical proposals. It may, therefore, be assumed that the proposals made by the Ruling Princes are accepted with one important reservation, viz., that whereas the Princes proposed that the Chamber or Council of Princes shall be composed of—

- (a) Ruling Princes exercising full sovereign powers, i.e., unrestricted civil and criminal jurisdiction over their subjects and the power to make their own laws;
- (b) all other Princes enjoying hereditary salutes of 11 guns and over: provided that no State or Estate having feudatory relations with a Sovereign State shall be eligible for membership;

the illustrious authors of the Joint Report restrict the membership to Rulers who enjoy full powers of internal administration. As a matter of fact, all their proposals about the formation of Standing Committee, or Commissions of Enquiry, etc., etc., are restricted to Rulers who enjoy full powers of internal administration. States of which the Rulers do not enjoy full powers of internal administration, constitute a class by themselves, and the assumption is implied, as the fact is nowhere expressly mentioned, that they are not affected by their proposals. It is also in accordance with recognised constitutional principles that, when the

Rulers of States coming under the general designation "others" have no voice in the Council of Princes, their affairs cannot come for discussion before that body, nor will their matters be referred to the Standing Committee for an expression of opinion. If this assumption is correct, then it is clear that in the far-reaching and comprehensive scheme of Reforms, which marks an era in the history of this country and which affects and improves the status of all classes, communities and interests in British as well as Native India, the Rulers of the second class are the only body who do not participate. This in itself is a result very much to be deplored.

With all deference to the illustrious authors of the Report, I feel bound to say that a classification of the States on the lines indicated will very likely be viewed with dismay by the whole body of Indian Chiefs. A distinction on somewhat similar lines was attempted once before and proved to be a source of considerable irritation and anxiety to the Rulers of Indian States. I mean the distinction between "dependent or subordinate" and "independent" States round which so much controversy centred in connection with the application of the Doctrine of Lapse, a doctrine now happily remembered only as a matter of historical interest. Issues affecting the very existence of States then depended upon whether a State came under the designation dependent or independent. It requires an effort of the imagination at the present day to realise what that doctrine meant, specially to States classed as dependent or subordinate. No clearer enunciation of that doctrine is to be found than in the words used in his minute on the Nagpur case by Lord Dalhousie, where he remarked :—

"The opinion which I gave in the Satara case was restricted wholly to subordinate States, to those dependent principalities which either as the virtual creations of the British Government or from their former position, stood in such relation to the Government as gave to it the right of a Paramount Power in all questions of the adoption of an heir to the Sovereignty of the State. In the case of every such State I held that sound policy at this day required that the British Government should take advantage of any lapse that might occur, whether it arose from failure of all heirs whatsoever or from failure of heirs-natural, so that succession could only pass by permission being given for the adoption of an heir."

These distinctions and all the haze of doubt and mistrust which the operation of the Doctrine of Lapse generated were happily dispelled by the distribution of Lord Canning's Adoption Sanads and the inauguration of the present generous policy towards Native States. The Chiefs are happy in the assurance that His Majesty is desirous, to use the words of the Adoption sanads "that the Governments of the several Princes and Chiefs of India who now govern their own territories should be perpetuated, and that the representation and dignity of their houses should be continued." The classification now of States into those the Rulers of which enjoy full powers of internal administration and those who do not, is unhappily reminiscent of the old distinction. I do not by any means suggest that such classification as is now intended would necessarily be followed by a corresponding change in the attitude of the Supreme Government towards Chiefs who do not enjoy full powers of internal administration; but the fact remains that they are excluded from the Council of Princes and do not participate in any of the measures of reform initiated in the comprehensive scheme.

For sixty years the Native States of India, enjoying varying degrees of sovereignty, have derived the greatest benefit from the application to each one of them of the broad and generous principles which guide the Paramount Power in its general relations to the mass of them. This is particularly the case with the petty Chiefs, who have shared the consideration shown, and enjoyed most of the privileges accorded, to the more powerful members of the family. Sovereignty in Native States is shared, of course, in varying degrees, between the British Government and the Chiefs. Some States enjoy a substantial immunity from interference in nearly all the functions of internal administration, while others are under such subjection that the Native Sovereignty is almost completely destroyed. But communities whose Rulers ordinarily exercise even the smallest degree of sovereign authority are classified as Native States are excluded from the territories subject to the King's Laws and enjoy the privileges of Native States. To introduce any distinctions in a body which for so long has been treated as a class by itself, specially at the present time when the Empire is passing through the greatest crisis known in history, and all Chiefs, high and low, those possessed of full powers of internal administration and those not so happily circumstanced, are rallying round their August Sovereign and doing their best to help the Empire, would, in my opinion, be inexpedient.

In the Draft Scheme prepared by the Ruling Princes, it was proposed that the Chamber of Princes should be composed, in the first instance, of "Ruling Princes exercising full Sovereign powers, i.e., unrestricted civil and criminal jurisdiction over their subjects and power to make their own laws." In the Joint Report admission to Council is restricted to Rulers enjoying full powers of internal administration. Some explanation is perhaps needed as to whether the connotation of the two terms, *viz.*, Rulers enjoying full powers of internal administration, and Rulers exercising full sovereign powers, are identical. As a matter of fact, full sovereign powers, in the accepted sense of the term, are possessed by no State in India, as none has the power of negotiating agreements with other States or making peace or war. On the other hand, full civil jurisdiction and the power of making laws are possessed by all. The Indian States are described by one authority (paragraph 2, Tupper's Indian Protectorate) as "autonomous States enjoying various degrees of sovereignty, levying their own taxes, administering their own laws, and possessing territory which is for purposes of internal administration, foreign territory and has not been annexed to the dominions of the British Crown." All alike are subject to the introduction of British Indian laws in the case of Cantonments, Civil areas and areas occupied by Railways. It is in the matter of

criminal jurisdiction alone that marked difference among the different States exist. But this, I think, is more a matter of practice and administrative convenience than implying any inherent difference of status among the States themselves. It depends, moreover, in a great measure upon the political exigencies of the period when the States first came to be included in the protectorates. Indeed, the treaties of a given period give expression to the political needs of the day. At one period it was considered necessary to take away the power of negotiating agreements with other States; at another to emphasise the military obligations of the States. Only in one instance, *viz.*, the Instrument of Transfer to Mysore, drawn up in 1881, has an attempt been made to embody all obligations in a single document. About the Rajputana States it is remarked in Aitchison's collection of 'Treaties, Engagements and Sanads', paragraph 1, Volume III, that the object of the treaties to be formed with them was the establishment of a barrier against the predatory system and against the extension of the power of Scindia and Holkar beyond the limits which Government designed to impose on it by other measures. It was not at that time proposed to acquire the power of exercising any interference in the internal administration of the Rajput States, but to subject only their political measures and external relations to the control of the British Government.

In the matter of criminal jurisdiction two different practices are observed. There may be others but of these I am not aware. In India, including Rajputana and Central India, the power to try for capital offences all persons except British subjects is left with big States, while in the case of small Chiefships the jurisdiction is shared in different degrees between the British Government and the Chiefships. In Southern and Western India a distinction is made between those having power to try persons except British subjects and those having power to try only their own subjects. In the Southern Mahratta country the Patwardhan Jagirdar has power to try for capital offences any persons except British subjects. The Jagirdars of Ramdurg and Mudhol have power to try for capital offences their own subjects only. None of these, except the Jagirdar of Mudhol, is entitled to the honour of a salute. The same distinction prevails in Kathiawar, Mahi-Kantha and Rewa-Kantha. To illustrate the

Malleson's Native States of India, paragraph 386.

curious position sometimes created by these arrangements, I may mention that Ratlam, Sailana and Sitaman in Central India, and Sunth-Rampur and Lunawada in Rewa-Kantha are historically of the same status. With all of them engagements were mediated by Sir John

Malcolm's Malwa, Volume II, paragraph 344. Malcolm, guaranteeing against the interference of Scindia in their internal affairs. They are, to use a Central India expression, guaranteed Chiefships of the first class, *i.e.*, those in which the interference of the superior Chief is excluded by the terms of the guarantees. According to the practice in Central India, as described in Rule 10 on page 7 of Volume IV of Aitchison's book of Treaties, etc., Ratlam, Sitaman and Sailana have no powers of life and death. They have to submit all trials for heinous crimes and all sentences of death, transportation or imprisonment for life to the local officers of the British Government. The Rajas of Sunth-Rampur and Lunawara have power to try their own subjects for all offences. Both these Chiefs are entitled to salutes of 9 guns. Thus the right to try their own subjects for all offences, which is claimed in the Draft Scheme drawn up by Ruling Princes, as an attribute of full sovereignty, is enjoyed by the States of Sunth-Rampur and Lunawara in Rewa-Kantha and not by the States of similar status in Central India, *viz.*, by Ratlam, Sailana and Sitaman. The possession of extended criminal powers is thus not a proper criterion for admission into the Council of Princes. The principle would operate unequally, exclude many a big State and ancient family and include others not entitled to the honour of a salute.

If the suggested distinction between Rulers entitled to full powers of internal administration and others does not imply any difference in treatment, as I fully believe it *does not*, a better and more generally acceptable criterion, I am emphatically of opinion, would be the possession of the honour of a salute—all Chiefs entitled to the honour of a salute to have the honour also of being admitted to the Council of Princes. The matter touches the honour and dignity of States. Many other considerations, besides the possession of full criminal powers, were given due weight before a State was admitted to the dignity and honour of salute. It is one of the prerogatives of the Crown to grant honours and decorations, and it is in the fitness of things and in accord with Indian sentiment that Chiefs so distinguished should have, by virtue of their position all alike, the honour of sitting in the Council of Princes. The unwieldy size of such an assembly for purposes of deliberation may be said to be an argument against its formation; but it is to be remembered that all salute Chiefs can never be expected to be present at one time. There are sure to be many absentees on account of youth, age or other infirmities and reasons.

After what I have said above, it is unnecessary to say anything about the exclusion from the Chamber of Chiefs having feudatory relations with another Chief proposed in the draft scheme prepared by the Ruling Chiefs. It has, moreover, not been accepted by the illustrious framers of the Joint Report. Such a distinction should, in my opinion, not be permitted. It would open up irritating and vexatious questions that have long since been laid at rest. Why, it may be asked, if a State has for so long enjoyed a separate existence, been recognised as such by the British Government, makes and administers its own laws, is not dominated in any way by another State and is in all respects autonomous, should it be excluded from the Council, because in the troublous times which preceded the advent of British rule in this country, when might was right, when predatory gangs careered over the land, a principality of

ancient descent, submitting to the force of circumstances, had entered into engagements to pay tribute with one or other of the leaders of those gangs? The first act of the British upon their arrival on the scene, was to place war and aggressions under their interdict and to perpetuate the condition of things then found to exist. Sir W. Lee Warner has aptly remarked that in the first quarter of the 19th century, the Indian States presented the appearance of a sea suddenly petrified when in a condition of storm and disquietude. The statesmen of those days had no leisure to elaborate schemes of administration or explore into the history of the States with whom they found themselves dealing. Years after, when the country had settled down and the Government was transferred to the British Crown, the circumstances of each State were gone into thoroughly and minutely and a table of salutes was issued. Each State deserving of the honour found a place according to its position in the community of Princes. The admission of a State to the honour and distinction of a salute by Her Majesty in Council should, therefore, be now sufficient guarantee of the dignity and status of his house. To go behind an accepted and well recognised fact is unnecessary. The more so as, if a step further back were taken, it would bring to light the incongruous fact that nearly all the States, including Udaipur, Jaipur and Jodhpur of Rajputana, and, for the matter of that, of other provinces as well, were held in subjection and had found it convenient to pay tribute to one or other of the Mahratta leaders. The introduction of any such distinction as is suggested in the draft scheme of the Ruling Princes, would lead to much irritation and discontent, which is hardly desirable when such a beneficent scheme is going to be launched. Taking all facts into consideration, I am strongly of opinion that membership should be open to all Chiefs entitled to the honour of a salute of nine guns and over.

The next proposal in the Joint Report is about the creation of a Standing Committee, a body purely consultative, like the Council of Princes. This is the Advisory Board of the Draft Scheme prepared by Ruling Princes. This proposal also, in my opinion, requires reconsideration. In a continent like India, custom and usage, subjects upon which alone the opinion of the Standing Committee is likely to be of value, differ widely from province to province and even within the limits of the same province. The Indian States are placed so far apart, and the divergencies in race, religion, language, institutions, conditions and customs are so vast that for any one belonging to one part of the country to express any useful opinion upon the customs of another part is impossible. One Standing Committee for the whole of India would labour under this disadvantage and, in my opinion, not answer the purpose it is designed to serve. A more convenient and satisfactory course would be to have several Committees on a territorial basis, *viz.*, a Committee for the Central India States, another for Rajputana and so on. Such Committees would be able to deal with the questions coming up before them with greater knowledge of local conditions and their verdict shall command greater confidence.

About Commissions of Enquiry, I prefer that such should be appointed to adjudicate only upon cases between a State and a local Government. Cases between two States should, as heretofore, be decided by Political Officers with the option of an appeal to His Excellency the Viceroy. It should not, in my opinion, be open to a State dissatisfied with the decision of the Government of India to apply for a Commission of Enquiry. A Commission conducted on the lines indicated is a costly business and sure to prove the ruin of many a State.

I agree to the proposal contained in paragraph 309 of the Report about the appointment of a Commission to enquire into cases of misconduct, etc., though after the experience of the Baroda Commission, I had thought that method was regarded as unsuitable.

About the proposal of having direct relations with the Government of India, I prefer to see the present arrangements undisturbed, at any rate for the present. We have a local Political Officer who is our friend, philosopher and guide, who has intimate knowledge of our affairs and whom we can freely consult on all occasions and in all matters and there is the Hon'ble the Agent to the Governor General who is invariably an officer of ripe experience possessing knowledge of affairs acquired in different parts of the country. If an officer here and there interferes too much in the internal affairs of a State, what on the other hand is the check on a Chief who so far forgets himself as to neglect and misbehave towards the vast populations committed to his care? Whatever views may be entertained by others, I am strongly of opinion that the presence near us of officers of wide experience and wide outlook is to us a distinct advantage. Moreover, in the highly centralised administration of a vast continent like India it is almost an axiom that the opinion of the proverbial 'man on the spot' should receive proper weight and consideration, otherwise there is great danger of important matters being decided by the Government of India without reference to local conditions and interests.

Views of His Highness the Rana of Barwani.

I.—(1) It is necessary as suggested in the Report, that a definite line should be drawn. In defining, however, the two kinds of Chiefs, full powers of internal administration should not be made the basis of differentiation. The difficulties that would crop up with this definition are obvious, *e.g.*, in the cases of many of the Bombay Presidency second class States who would thus supersede many salute Chiefships of Central India. I am, therefore, of opinion that the defining line be kept between all salute Chiefs, irrespective of tributary relations and non-salute Chiefs.

(2) I have nothing to say in this. The only point I have to mention is that it would be impossible to have an uniformity of practice, as every State has its own peculiar practices based on custom and authority.

(3) I agree with a suggestion that all salute Chiefs be made as eligible members of it.

(4) I do not agree. In my opinion, there should be Provincial Committees nominated by the Council of Princes, one for Central India, one for Rajputana, and so on. This Committee, composed of Princes of the Agency, would be in a far better position to deal with questions of individual States concerning custom, usage, etc.

(5) (a) In cases of disputes between the Government of India, any Local Government and a State, I am of opinion that Commissions of Enquiry can be appointed. In disputes between two States the Government of India should be the deciding authority. I propose that in such cases the right of appeal to the Secretary of State should be recognised.

(b) In this case, if a decision is made by the Government of India, the State concerned should have the right of appeal to the Secretary of State. If the decision is by a local representative, the appeal, being first made to the Viceroy, should go up to the Secretary of State.

(6) I have nothing to say.

(7) In the case of the smaller States of Central India, the present system of work, with an intermediary Political Officer between the State and the Local Government, has proved most satisfactory and beneficial. I have nothing to say against it.

(8) I have nothing to suggest in this.

II.—It is not possible for a single person to tackle satisfactorily this vast question which is full of difficulties. It would, in my opinion, be better to appoint a Committee of Princes to thrash out the whole question thoroughly and then to place it with their views before His Majesty's Government for final decision. If this be not feasible, the subject may be postponed till the Council of Princes is finally established and recognised by a Royal Proclamation.

Views of His Highness the Pant Sachiv of Bhore.

Paragraph 302 of the Reforms Report.—This proposal of classifying the Indian States into groups as embodied in paragraph 302 of the Report is desirable.

Paragraph 305 of the Reforms Report.—There is no objection to re-examine the relations of the Rulers of States with the Government of India with the above-mentioned view, in such a way as not to impair the rights, dignities and privileges secured to the Rulers by treaties, etc., assured in paragraph 305 of the Report.

Paragraph 306 of the Reforms Report.—The proposal of creating a permanent Council of Princes as detailed in paragraph 306 of the Report is admirable. If it is proposed to limit the number of Princes to be admitted to this Council as in the case of the members of the Council of State (*vide* paragraph 277 of the Report), it is submitted that the rules of its formation should be so framed as to afford an equal opportunity of serving on this Council to all the Princes.*

*N.B.—It is suggested that the rules of creating such a Council should be so framed that none of the Princes and Chiefs who got the high honour of an invitation to the annual informal Delhi Conference would be excluded from it.

The name "Council of Princes" is, in my opinion, quite suitable to such a body and would be acceptable to all. However, if an indigenous and independent name is to be preferred, I think the name Hind Raja Mandal

will serve our purpose.

Paragraph 307 of the Reforms Report.—The suggestion of the appointment of a Standing Committee annually by the Council of Princes for advising His Excellency the Viceroy on the questions that will be referred to them is also commendable.

Paragraph 308 of the Reforms Report.—The arrangement of appointing Commissions of Enquiry is suitable.

Paragraph 309 of the Reforms Report.—The suggestion of referring the question of the misconduct of a Ruler to a Commission of five persons is also desirable. I have only to suggest that the appointment of the two persons of high standing should be made in such a way that the composition of the Commission would not be challenged on any ground.

It would be advisable if the Princes of the States near the State in question are selected on the Commission and a challenge to the extent of two persons proposed on the Commission is provided as in the case of a jury to be appointed under the Criminal Procedure Code (*vide* Section 277).

Paragraph 310 of the Reforms Report.—All the alternatives recommended in paragraph 310 about this point are proper and reasonable.

Paragraph 311 of the Reforms Report.—The proposals regarding the joint deliberation of the Council of State and the Council of Princes on matters of common interest, are very apt and appropriate and will no doubt tend to bring about closer relations between the Princes and people of India.

Item No. II of Agenda.—In my opinion it is not necessary to discuss and decide this question at present as we have not heard of any specific complaints in this matter. However, if it is thought desirable to take up this question, I have to suggest that the matter should be better independently investigated by Government, as I think there will be great difficulties for the Assembly of Princes to arrive at a decision on this point.

Besides it will have to be noted that the consideration of the above question will have to be postponed until the cognate question of classifying the Rulers into groups as per paragraph 302 of the Report is settled beyond all disputes, as the point of precedence will have to be decided in reference to the Rulers of these two groups separately or together.

Views of His Highness the Maharaja of Panna.

Before proceeding to give my views on the different items on the Agenda I may be allowed to say that I had very much hoped to be personally present at, and to take part in, the deliberations of this year's very important Conference, but reasons of health and other weighty considerations have compelled me to reluctantly abandon my visit to Delhi. I may also be allowed to remark that this, I feel, will handicap me in giving my opinion on each item on the agenda because I would much have liked to hear Their Highnesses' weighty comments on them before venturing to arrive at a definite conclusion of my own. However as I cannot attend, much though I regret my inability to do so, I must do the best I can with the material in my hands.

Item 1 (1) of the Agenda is—

“with a view to improve future relations between the Crown and the States a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others.”

I unhesitatingly agree that it would improve the relations between the Crown and the States if a line is drawn separating important Rulerships from the less important ones, as in the words of the illustrious authors of the Report on Indian Constitutional Reforms “uniformity of terminology tends to obscure distinctions of status”; but I cannot agree when the “enjoyment of full powers of internal administration” is taken as the only criterion for the separation of important States from the others.

Further on in paragraph 302 the authors of the Joint Report say that their own proposals in paragraphs 306 to 311 are intended to relate to the States in the first category only and they assume that a classification of States into two categories can and will be effected after due enquiry.

First of all I may say, in any of the classifications of Native States made by Government up to date, there is not found anywhere a definition of “full powers of internal administration”, in other words of “full sovereignty”. In view of paragraphs 303 and 304 of the Report it is apparent that very few, if any, States enjoy “full sovereignty” and if the letter of the Report is strictly interpreted, very few States will be entitled to receive the benefits which the Reforms are to confer on Native States.

I am of opinion that what the authors of the Report really meant should be done was separation of important States from the others, and, that the restricted space that was available to them for the chapter on Indian States in the Report made them inadvertently omit the clearing of this point.

As paragraphs 306 to 311 including the eligibility for membership of the Council of Princes apply only to States in the first category I feel all the more certain that it cannot be the intention of the illustrious authors of the Report to exclude any State of importance from the benefit of the proposed Reforms. Now on what criteria should the importance of a State be judged? Should it be judged only on the single criterion of the “enjoyment of full powers of internal administration” which, I take it, means, in a sense “full civil and criminal jurisdiction and the power to make laws?”

I submit that in my opinion that is not the only criterion of the importance of a State, though perhaps it is the outward symbol of sovereignty. Stated briefly the other, and, in my opinion, the more important criteria of the importance of a State should be—

- (1) the area of a State;
- (2) the population over which its Ruler has authority;
- (3) the revenue of a State;
- (4) history and importance of a State previous to the British connection.

In this connection I may say that some States are the parents of several other States of importance but at the psychological moment of their first connection with the British power their star was in the descendent and their importance was not fully considered when they entered into engagements with Government either through the incapability or minority of the Ruler, the incapacity or treason of his ministers or through such accidental causes.

- (5) subsequent acquisitions of distinctions and position,
- (6) resources present and potential; and

- (7) the hereditary salute of the State which is the outward symbol of the sovereignty of its Ruler and which is based on consideration of all the above criteria of its importance.

As a matter of fact all States had full criminal jurisdiction over their subjects at some time or other, and in most cases where restrictions have been placed on the powers of their Rulers subsequently it was due to the misrule of a particular Ruler at some time or other or due to the predatory habits of his subjects.

These conditions of misrule or the inability to suppress crime do not prevail in most cases at the present moment, and if "full power of internal administration" is taken as the main criterion of the importance of a State it will, in my humble opinion, be a wiser policy on the part of Government to give extended powers to the Rulers of otherwise important States than to place these States in the category of unimportant ones.

If the words of the Joint Report are illiberally interpreted, some Rulers enjoying only 9-gun salutes will be placed in category 1, while others enjoying 11 and even 15 guns will be placed in category 2. This, I submit, will be certain to be construed by some Rulers as a distinct lowering of their "*izzat*" and dignity and I cannot for a moment believe that it can be the intention of either His Excellency the Viceroy or the Secretary of State, when framing the Report, to lower the dignity or hurt the susceptibilities of any Ruler of an important State who at present ranks above some of those that will fall in class 1, which will be the case, if the Report is not read in the spirit in which it is framed.

In this connection I may be allowed to mention that the Princes' Committee in the "Outlines of the scheme concerning the Ruling Princes and the Indian States" which they submitted to the Viceroy and the Secretary of State, suggested the following composition for the Council of Princes:—

- (a) The Ruling Princes exercising full sovereign powers, *i.e.*, unrestricted civil and criminal jurisdiction over their subjects and the power to make their own laws.
- (b) All other Princes enjoying a hereditary salute of 11 guns or over. (The italics are mine.)

It is apparent from the Digest of the proceedings of the informal meeting held in the Viceroyal Lodge on the 4th and 5th February 1918, that these recommendations of the Committee about the composition of the proposed Council of Princes was accepted by the Viceroy and the Secretary of State. The Political Secretary was asked to examine the question as to what Ruling Princes should be regarded as comprised under heading (a). The exclusion of any Prince not coming under heading (a) but who would come under heading (b) was never contemplated.

In the preliminary draft of the proposed agenda prepared by Sir John Wood, the Princes falling under (b) of the Committee's recommendations were *included* in the composition of the proposed Council of Princes.

This however is not very clearly stated in paragraph 302 of the Joint Report. So I hope and trust Their Highnesses will see to it that the Committee's recommendation on the composition of the proposed Council of Princes is adhered to in its entirety and I hope and believe that His Excellency the Viceroy will give a sympathetic and liberal ruling in the matter.

If anything further is needed to urge our absolute claim to eligibility for membership, it is provided by the fact of our being invited to all previous Conferences generally and the invitation to us to attend this year's Conference (*after* the publication of the Joint Report), in particular, which in my opinion is a strong index to the views held by His Excellency the Viceroy as to our inclusion in the Council.

Relations of the Rulers of States with the Government and their examination for simplification, standardisation and codification.

I am in favour of item 1 (2) of the agenda, but I do not think this subject can be tackled and decided at once.

I beg to propose that a joint committee consisting of one Ruler or representative from each territorial group of States and of the necessary number of Political Officers be appointed to thoroughly examine the subject with instructions to submit its report with recommendations to the next year's Conference or to the Council of Princes if it comes into being before that date.

Item 1 (3)—

I am in favour of the establishment of a "Council of Princes."

As to its composition I have given my views in discussing item 1 (1).

Establishment of a permanent Council of Princes.

I agree with the proposals about the agenda for the Council, its functions, its president, and its chairman in the absence of the Viceroy, its

meeting, and its rules of business.

As to designation I am in favour of an Indian name—I am in favour of the name "Raj Mandal."

In connection with the establishment of a Council of Princes I have two subsidiary proposals to make, *viz* :—

(1) Along with the Central Council of Princes, Provincial or rather "territorial" Councils of Princes or of their representatives should also be established. The advantages claimed for this proposal are :—

(2) The Provincial Councils through their knowledge of local conditions will be useful for the supplying of information to the Central Council as well as for the preparation of items of agenda.

(3) On Provincial Councils reasonable and proportional representation could be given to the minor Chiefs, who under the present scheme of reforms have neither a voice in the Council of Princes nor in British Indian legislatures.

(4) They will be useful for purposes of co-ordination with provincial Governments. In spite of the fact that most of the subjects common to British India and the Native States will be in the hands of the central Government, there are bound to be certain other questions on which legislation by provincial Governments will affect a certain group of States only; such for instance as extradition, education, epidemics, sanitation, trades and tariffs, roads, railways, law and crimes, patents and copyrights, etc.

(5) They will give opportunities where they do not exist for a friendly interchange of ideas between territorial groups of Princes and many difficulties will be smoothed by a happy give-and-take among them.

(6) These Councils can meet much oftener and at less expense and inconvenience than the Central Council.

(ii) My second proposal is for the establishment of a House of Representatives as an adjunct to the Council of Princes.

It will discuss and prepare all the material for and facilitate the deliberations of the Council of Princes, with whom the final decision would rest.

In short it will do all the spade work. Besides this, this House of Representatives will form the panel from which representatives for the committees for joint deliberations with British Indian legislatures can be selected as provided for in paragraph 311 of the Joint Report.

In this connection I am of opinion that we should leave this deliberation with British Indians in the hands of our representatives, because besides its being derogatory to our dignity to sit with commoners in deliberation, we will open ourselves to hostile and often unpleasant criticism. We have not the time to study these questions thoroughly which our ministers can devote to them.

Item (4).—I am in favour of this proposal with the proviso that each territorial group of Princes should be represented on it. Sometimes the conditions prevailing in different provinces are different.

Standing Committee.

I am in general agreement with item 1 (5). The only observation I should like to make on the subject is that petty disputes between two States can be better and more economically decided

Commission of Enquiry to settle disputes.

by the Political Officer attached to that particular group of States. Where, however, the States themselves or any one of the two parties to the dispute desire a Commission of Enquiry in preference to a decision by the Political Officer, His Excellency the Viceroy can be requested to grant a Commission.

Item 1 (6).—I am in entire agreement with this proposal. I however think that the personage whose conduct is the subject of enquiry should have a right to challenge the nomination of any of the Commissioners.

Commissions in case of deprivation of rights, etc.

Item 1 (7).—I am in entire agreement with the proposal. Either of the two alternatives proposed by the authors of the Joint Report to effect this will, in my opinion, be suitable but I

Direct political relations.

believe the majority of the Princes will prefer the latter alternative, because usually the Political Agent or Resident is more in touch with local conditions.

Item 1 (8).—I agree with the proposal as a tentative measure for the beginning of the transitional period. We must, however, keep in view the ultimate goal of British policy in regard to India which is full responsible Government; when that comes and bureaucratic control gives place to democratic control we cannot but claim legislative co-ordination in common and Imperial matters, we cannot be satisfied with "deliberative and advisory" functions only. Why not make a beginning now or in the near future when conditions are more favourable for the granting of our just claims. We must guard against making our claim too late.

Means for joint deliberation.

Item II of the Agenda.—This question is admittedly difficult and delicate. In my opinion social precedence cannot be separated from official precedence. The Government are not prepared to take up this latter question. So in my

opinion the question should be entirely dropped. Besides this, in my opinion, it is not probable that the Princes themselves can ever decide this question or arrive at a happy solution. There will be claims and counter-claims which would unavoidably give rise to avoidable friction.

The Government as the representative of the Sazerein Power are the best judges of this ticklish question and they should, in my opinion, be left to decide this question of precedence *inter se* when and how they judge best.

Views of His Highness the Maharaja of Bikaner.

Preliminary Remarks.

I should like to be permitted at the outset to tender to His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India my grateful tribute and respectful congratulations on the production of such an epoch-making document and on the courage, generous sympathy and broad-minded statesmanship and the clear perception of the ideal, which have guided the framing of the Scheme generally.

2. I am confident that the Ruling Princes will derive particular gratification from the courteous consideration extended to their treaty rights and dignity and from the acceptance of the justice of their claims and the principles of every one of the proposals which the Princes' Committee placed before His Excellency and Mr. Montagu last February.

3. This sympathetic response and recognition will arouse very genuine feelings of gratitude amongst the Princes of India and there can be no question that, when the heat and strife of political controversy abates and the question is at some future date judged from an impartial standpoint untainted by political differences and racial feelings, the names of Lord Chelmsford and Mr. Montagu will go down to posterity as two of the best friends and benefactors of India including the Indian States who inspired by the noblest ideals of British statesmanship rose to the occasion and rendered, at a time of crisis, such signal service not only to India but to the whole of the British Empire.

4. The welcome change in the policy of the Government of India in regard to their relations with the Ruling Princes and the Indian States dates from the commencement of the present century.

5. It was in the time of that brilliant Viceroy, Lord Curzon, that the Princes came out of comparative seclusion and into closer intimacy with the British Government and with each other. During Lord Minto's Viceroyalty, a really liberal and sympathetic policy was consistently pursued and a great deal was done to improve the relations between the Paramount Power and the Ruling Princes, culminating in November 1908 in the public declaration at Udaipur of the policy of non-interference.

6. Lord Hardinge equally, clearly and consistently demonstrated his friendship and sympathy for the Princes and his interest in and solicitude for their well-being and prosperity by not only following but also further considerably developing and strengthening his predecessors' policy, with the result that never within recent times had more cordial and happier personal relations with the Princes been cultivated and maintained, nor greater courtesy and consideration extended to them. It was in Lord Hardinge's time that the seeds were sown of an Assembly of Princes by the two Conferences held in 1913 and 1914.

7. This idea, it is gratefully realized, has been carried further with eminently satisfactory results by His Excellency Lord Chelmsford, and the Princes can never forget how assiduously His Excellency the present Viceroy has followed in the footsteps of his distinguished predecessor as well as the advance made in this direction during his Viceroyalty, of which glorious edifice the Reforms now under consideration, which are of such importance to the Princes and States will, it is hoped, be the coping stone. And it is further to be hoped that, before the day comes for His Excellency to relinquish charge of his high office, these Reforms will have been actually brought into force, and Lord Chelmsford will have left behind him a monument, more durable than words, testifying both to his great Imperial work for the Princes and the States as well as to the gratitude and esteem which the Princes entertain for His Excellency.

8. I regret that owing to these notes having been dictated under exceptional circumstances during my voyage to Europe, they are not as comprehensive as the importance of the question demands. But I hope that they will suffice to express in fairly clear terms the views, such as they are, which I hold in regard to the various proposals enumerated in Chapter X of the Joint Report.

Treaty Rights, Privileges and Prerogatives of Ruling Princes.

9. Before dealing with the items on the Agenda for the forthcoming Princes' Conference, I should also like to add how very much the Princes will welcome the generous and courteous regard for their Sovereign status, internal autonomy and local sentiments and the assurances contained specially in paras. 157 and 305 of the Joint Report as regards the due observation of treaty obligations, and non-interference, as also the proposal that the Princes should be assured in the fullest and freest manner that no constitutional changes which may take place in British India will impair the rights, dignities and privileges secured to them by treaties, *sanads* and engagements or by established practice.

10. While the Princes have no doubt whatever that the assurances will be duly given effect to, it will afford still further gratification to them to have a further formal assurance that, apart from the question of the forthcoming constitutional changes, the maintenance of their treaty and other rights, prerogatives and privileges generally is unequivocally guaranteed to them for the future by a gracious declaration from the Imperial Throne.

Item I (I)—that, with a view to improve future relations between the Crown and the States, a definite line should be drawn separating the Rulers who enjoy full powers of internal administration from the others.

11. There is no doubt whatever that there is a very real and urgent necessity for drawing a line, or, it will be better perhaps to state, for making the necessary differentiation between the bigger and more important Rulers and the smaller Chiefs and Rulers, about 700 in number all told. For, the bigger States and Princes have undoubtedly been severely handicapped and their sovereign status and *izzat* and prerogatives and privileges prejudicially affected by the official tendency manifest, till comparatively recent times, of thinking of and dealing with all Rulers as if they all came under one category.

12. At the same time, I would venture, firstly, to give expression to my confident hope that His Excellency the Viceroy, the Government of India, and the Political Department will deal with this very delicate and important point in a generous spirit, that the restrictions on the exercise of full powers will be broadly interpreted and that minor differences as regards the degree of sovereign or unrestricted powers will not ordinarily be taken into consideration when such a differentiation or division is made.

13. I would even submit that, where there are slight differences in powers enjoyed by some of the Princes, the remedy is to give them enhanced powers and not to class them in the other division, nor to exclude them from the membership of the Assembly or Council of Princes or from enjoying the benefits of the other Reforms enumerated in Chapter X of the Joint Report.

14. It is not possible in this Note to go into the case and merits of each of the States concerned, but I would further urge that except in isolated cases here and there—where very special circumstances, not known to me, may exist—all Rulers at present enjoying salutes up to and including 11 guns, irrespective altogether of the question of sovereign powers, as well as all other Rulers not coming under this category but who enjoy full or practically full Sovereign powers should be declared eligible for the membership of the Assembly of Princes and for participation in the general Scheme of the other Reforms.

15. If the differentiation is, however, based on a too literal interpretation of the term 'full Sovereign powers' or 'full powers of internal administration', then even the Rulers of some of the bigger States, which, so far as can be seen, cannot according to their treaty provisions really be classed as enjoying such powers, will also have to be excluded and classed in the other group. In such a case, the Chamber of Princes would, I should think, speaking off-hand, hardly number even fifty and would thus in no sense be really representative of the Indian States, which embrace a third of the whole area of India and a fifth of its entire population.

16. It was for these reasons that, irrespective altogether of the question of sovereign powers, the Princes' Committee recommended that the Assembly of Princes should be composed of :—

- (a) The Ruling Princes of India exercising full sovereign powers, i.e., unrestricted civil and criminal jurisdiction over their subjects and the power to make their own laws.
- (b) All other Princes enjoying hereditary salutes of 11 guns and over.

17. So far as I am aware, during the first two Conferences convened in connection with the Higher Chiefs' Colleges, invitations were extended to all Princes who enjoyed salutes. Even according to the present practice all Princes enjoying 11-gun salutes, irrespective of the question of powers, have been eligible for the membership of and have been invited to the Conference during the last three years. Thus the claims of such Princes to eligibility for the membership of the Assembly or Council of Princes and to the benefit of the other proposed Reforms have, to my mind, been rendered all the stronger, and as such will, it is confidently hoped, be readily admitted by His Excellency the Viceroy.

18. It is a matter of special gratification to see that a certain number of representatives of the Princes enjoying sovereign powers and salutes of 9 guns have this year been invited to the Conference by His Excellency the Viceroy and their claims to membership of the Council of Princes and to the benefit of the other Reforms are also very strong and perfectly valid.

19. The second point that I would like to put forward for the favourable consideration of His Excellency the Viceroy and my Brother Princes is in regard to the Rulers coming under the second category.

20. Though their powers and status are not on a par with those of the bigger Rulers, the fact cannot be overlooked that their territories lie all the same within that one-third of India which at present is known as the Indian States. These Rulers are not British subjects and their territories undeniably do not comprise British India proper. Such Rulers and their subjects are clearly on a different footing from the magnates and the people of British India respectively. They cannot benefit by any of the Reforms now under contemplation or that may in future be introduced in British India. When it has been found necessary to revise and overhaul the machinery regulating the relations between the British Government and the bigger Princes and States which has been in operation now on more or less identical lines for over a hundred years, a similar necessity must, I submit, also be admitted in regard to these lesser Rulers and their territories. If they are excluded altogether, under the proposed division, from any benefits whatsoever in which their more important and more fortunate brethren are hoping to participate, they will soon be felt to be the weak links in an otherwise perfectly strong chain and moreover find themselves in a position of stagnation. I fully realize the difference between the two classes of Rulers but what I would venture to urge with due respect and all the emphasis at my command, is that some method should be devised by which they too may be brought within the scope of these Reforms and they may feel that the interests of themselves and their States are not being ignored both by the Paramount Power as well as by their more distinguished brethren.

21. It was for these reasons that in their original proposal, framed at the Bikaner Session, the Princes' Committee proposed proportional representation of such Chiefs and Rulers. This point was not pressed in the final Scheme of the Princes' Committee because it was understood that such a proposal would, for the present at any rate, not be regarded as feasible by the Government of India. Power was nevertheless reserved, according to the Committee's recommendations, to add to the number of the Chamber of Princes so as not definitely to debar any one.

22. It is, therefore, I submit, a matter deserving of our immediate and serious consideration as to what can be done so that such Rulers and their people may not be left in the lurch. I am not sure that such a problem can be solved at one sitting and it will therefore perhaps be desirable to consider this question further on a suitable occasion later on, after the Princes present in the forthcoming Session have given general expression to their views on this point. Whilst not putting it forward as a definite suggestion for immediate consideration, I would further venture to add that I for one do not even now see any objection, but would on the contrary welcome a reasonable and proportional representation of such smaller Rulers, provided they did not obtain an undue predominance in the Council of Princes and provided also that the legitimate interests of the bigger Rulers and States were not in any way unfairly and prejudicially affected by such an act.

Item I (2)—that, with the consent of the Rulers of States, their relations with the Government of India should be examined, not necessarily with a view to any change of policy, but in order to simplify, standardize and codify existing practice for the future.

23. The question is one of the most vital importance to the Princes and their States and subjects, and as such I would beg to suggest that, with the permission of His Excellency the Viceroy, the Political Department should issue a comprehensive note, making the matter more clear and dealing with the present policy as well as the existing relations and the practice referred to above, and that they should further make it clear in what possible direction there might, with advantage to both the parties, be a change of policy and how, in the opinion of the Political Department, the existing practice might probably be simplified, standardized and codified.

24. I would venture most strongly to urge that adequate time should be given to the Princes to consider the whole question in the light of such a memorandum. It is too important a subject to be discussed off-hand at the forthcoming Conference with the meagre information at our disposal and sufficient time is undoubtedly required for the careful consideration of the whole question in all its aspects before it would be possible for the Princes to give a mature and carefully considered opinion. I would, therefore, further suggest that the consideration of the question should be put off till the Conference of Autumn 1919 and that in the meanwhile the explanatory memorandum be kindly placed in our hands at the earliest date possible.

25. The proposal embraces the question of British policy as regards the Princes and States and indeed the entire relations between the British Government and the Princes and States. It also covers the question of intervention by the British Government and interference in the internal administration of the States, including the Sovereign States, through the agency of the British Representative accredited to the Indian Courts; as also the questions of the interpretation of our treaties, *sanads* and engagements, and of what are now apt to be looked upon as 'usage,' 'practice,' 'precedent,' 'case-law,' 'text-books,' and 'authoritative works.'

26. As regards intervention and interference by the British Government and its Representatives it would perhaps be not out of place once again to invite attention here to page 4, paragraph 15 of the Introductory Note in the "Outlines of the Scheme concerning the Ruling

Princes and the Indian States" which forms a part of the final proposals and recommendations of the Princes' Committee. For the sake of convenience and ready reference, I quote the paragraph *in extenso* below :—

"As regards the internal independence and autonomy of the States the Marquess of Hastings writing on February 1st, 1814, 104 years ago, mentions the 'formidable mischief' which 'has arisen from our not having defined to ourselves or made intelligible to the Native Princes, the quality of the relations which we have established with them'; and proceeds to make the following observations :—

'In our treaties with them we recognize them as independent sovereigns. Then we send a Resident to their Courts. Instead of acting in the character of ambassador, he assumes the functions of a dictator; interferes in all their private concerns; countenances refractory subjects against them; and makes the most ostentatious exhibition of this exercise of authority. To secure to himself the support of our Government, he urges some interest, which, under the colour thrown upon it by him, is strenuously taken up by our Council; and the Government identifies itself with the Resident not only on the single point but on the whole tenor of his conduct.'"

27. This question is significant and speaks for itself and it seems unnecessary to labour the points at the present stage—until the Princes are in a position to discuss the subject after having been placed in the possession of the necessary further details.

28. The question of the interpretation of treaties, and the position taken up by the British Government in this respect in the past, has been dealt with in considerable detail in the above mentioned Introductory Notes to which a reference is again invited. Thus all that appears necessary at this stage is to invite attention to His Excellency Lord Chelmsford's most statesmanlike and highly gratifying assurance on the subject, in his inaugural speech at the Princes' Conference on the 30th October 1916, when, uttering the following words, His Excellency also voiced the feelings and wishes of the Ruling Princes themselves :—

"These treaties are sacred, and I can assure you that it will be my earnest desire to maintain them not only in the letter, but in the spirit in which they were framed."

29. In paragraph 304 of the Joint Report are correctly expressed the Princes' fears that "usage and precedent may be exercising a levelling and corroding influence upon the treaty right of individual States."

30. On page 13, in clause I, paragraph 8 of the Explanatory Note of the Committee's final proposals, it has already been pointed out that "the present relations of the Indian States with the Government of India are regulated not only by the treaties and engagements, but by what has now come to be urged as 'usage' and 'precedent' which, it has been explained, have grown with time and are in most cases the outcome of peculiar circumstances over which the States had no control and it has therein been urged that the main principles which should underlie the relations are those defined in the treaties and engagements.

31. It seems necessary here to emphasise a point of great importance to the Princes and States. The fact should not be lost sight of that the Princes and States have not only ordinarily had no control but also no voice as regards the inception, development and establishment of not only 'usage' and 'precedent' but also as regards 'practice', 'case-law', 'text-books' and 'authoritative work.' Therefore, before they can be accepted by the Princes, not only is their detailed examination and discussion necessary but in their framing and final establishment the Princes, as one of the two parties, should necessarily have a clear and proportionate voice.

32. For all these reasons I would again repeat that a further elucidation of the point as well as time for its consideration are necessary and that the whole question should be postponed for discussion until the Conference of Autumn 1919.

Item I (3)—that a permanent Council of Princes should be established.

33. As one who ventured to urge the establishment of such an institution even in pre-war days, I have hardly anything further to do beyond giving my whole-hearted support to the proposal in paragraph 306 of the Joint Report for the establishment of a Council or Assembly of Princes.

34. I am confident that the great majority of the Princes will be found to be in favour of the proposal and further that when the nature and the full advantages of the proposal are thoroughly realised, even those Princes who are lukewarm, and who at the present moment are inclined to stand aloof from the proposal, will equally warmly support the institution.

35. It will be gratifying to the Princes to learn from no less distinguished personages than His Excellency the Viceroy and the Secretary of State that even the present day Conferences have been of great value in assisting the British Government in the formulation of their policy on several important matters. A great deal could be written on the obvious and undisputed advantages which may be hoped to accrue from the institution of a Council of Princes; but it will suffice to say that, if for no other reason, the very fact of the vast changes

that the British Empire has undergone in recent years has rendered it necessary that the existing machinery, which for over a century has regulated the relations between the British Government and the Princes and States, should be not merely revised and overhauled but also augmented, if the Princes are to take their proper place in the British Empire.

36. Ever-increasing and more and more important questions of Imperial or common concern are sure to arise in the future in which, considering the interests involved of the Princes and their States, no one can deny that they should have a voice. A policy of exclusiveness can never be a substitute for one of collective action as was pointed out in the Committee's Explanatory Note from Patiala. It was never contemplated, nor is it proposed that the Princes should entrust their individual cases to their Brother Princes in the Council for discussion in public and as has further been pointed out by the Committee, one of the essential principles regulating the functions of this Body would be that no discussion in regard to any particular Prince or State or the internal affairs of any individual State or the action of any individual Prince would be allowed in the Chamber. In short it was considered most desirable to ensure that all personal matters be scrupulously kept outside the purview of the Council of Princes.

37. Thus by the institution of a Council of Princes no Prince would lose his individual right to direct negotiation and correspondence with the British Government: neither would his Sovereign status and other prerogatives and powers be infringed in any way, nor would he thereby lose the right of direct access to His Excellency the Viceroy which Princes greatly cherish.

38. I am one of the staunchest believers in the doctrine that the Princes should not interfere in British Indian domestic affairs and an equally staunch advocate of the policy that there should correspondingly be no interference by British India in the internal affairs of the Princes and their States. On this understanding I beg to record my vote in favour of the institution of an Assembly of Princes.

39. As regards an appropriate name I would like to add that, on further consideration I also am now not in favour of its being called a 'Council of Princes' and I like the term 'Chamber of Princes' still less. 'Assemblage' is obviously unsuitable and on the whole, unless a better word can be found, I am inclined to think that 'Assembly of Princes' would be the most appropriate term. I discussed this subject with His Highness the Maharaja of Alwar, who has given the subject a great deal of thought during last spring and I understood from His Highness that he also was in favour of the term 'Assembly of Princes.'

40. A suggestion was recently made that the Body should still be called a Conference. I would desire to enter a most emphatic protest against any such idea. The main object of the Princes is, as has been pointed out in the Report, to have a permanent Body, holding regular meetings at least once a year. They desire further that this institution should find a regular place in the constitution governing the relations between the Government of British India and the Indian States. This a Conference could never answer.

Item I (4)—Standing Committee.

41. In supporting this proposal, I have only two things to mention specifically:—

Firstly, that it is important that matters other than custom and usage should also be referred to this Committee and that, I take it from the wording of the Joint Report, is also the intention of its distinguished authors; and secondly, that the Committee should be competent to initiate questions affecting Indian States generally, either of their own accord or at the direction of the Chamber of Ruling Princes, for the consideration of His Excellency the Viceroy. To my mind this would be of mutual benefit both to the British Government and to the Princes and States and would, of course, be subject to the proviso that no Prince or Minister should deal with anything in which he or his State is concerned; and also, as suggested in paragraph 307, that no question affecting any individual State or Ruler would be initiated by the Committee without the concurrence of the Ruler concerned.

42. I have heard it suggested that the consideration of the question of a Standing Committee should be postponed for the present, but as is pointed out in the Joint Report at the conclusion of paragraph 307, the machinery proposed is based on the principle of consultation which in so many matters underlies the recommendations in regard to British India. And being a very beneficial and important proposal, there appears no reason whatever why the Princes and States should not also benefit by such a principle.

Item I (5)—Judicial Tribunal or Judicial Enquiry.

43. I am in agreement as regards holding exhaustive judicial enquiries in regard to—

- (a) the settlement of disputes between the Government and a State, or between one State and another, and
- (b) the decision of cases where a State is dissatisfied with the ruling or advice of the Government of India or of any of their local Representatives.

To differentiate, however, from the proposal in Item I (6) of the Agenda, I would suggest that this should be called a 'Judicial Tribunal' or, at least in the word used in paragraph 308, a 'Judicial Enquiry' and the other a Commission of Enquiry.

Item I (6)—Commissions of Enquiry.

44. The proposal in paragraph 309 of the Joint Report that a Commission of Enquiry should always be held whenever a question arises of depriving the Ruler of a State of his rights, dignities, honour, powers and privileges or of debarring from succession a member of the reigning family will, I am certain, fill an imperative need and be appreciated by the Princes as a considerable improvement on the present practice.

45. In the Committee's proposals such a Commission was proposed when the question involved was of even temporarily depriving a Prince of his rights, dignities and powers. Although this is not clear from paragraph 309 it is presumed, and also strongly urged, that such a Commission should invariably be appointed even in the case of such a temporary contingency also.

46. In the recommendations of the Princes' Committee the right to challenge the nomination of any of the members to the Commission was specially provided for under certain safeguards. The proposals in the concluding portion of paragraph 309 refer, presumably, also to this right of challenge, but the point is one worthy of being made absolutely clear.

Item I (7)—Direct Political Relations with the Government of India.

47. Both in the Imperial interests as well as for the happiness and well-being of the Princes and States the placing of the Princes and at least the bigger Chiefs also in direct relations with the Government of India and of thus reducing the number of intermediaries is one of the most urgent and crying needs of the day. Not only, as has been pointed out in the Report, is the present system of communicating through these intermediaries an obstruction to good understanding and a great obstacle to business but it makes it also practically impossible to ensure uniformity of policy and of dealings.

48. Indeed, until the existing system is changed, the risk of undue interference in the internal affairs of the States will never be satisfactorily safeguarded against. Although the Local Governments and officials will naturally not like the idea, the step has to be taken sooner or later, because if for no other reason yet, as is pointed out in the Report, the growth of responsibility in Provincial Governments will render it undesirable that the relations with the Indian States should be matters of provincial concern and I would, therefore, venture earnestly to urge that the question should be tackled and solved now—and solved in a broad and statesmanlike manner without any undue regard to sentiment or past precedent. I would in this connection ask for permission to quote the following remarks which General Smuts made in his speech at a luncheon given by the Empire Parliamentary Association in the spring of 1917, while speaking about the future constitution of the Empire:—

"Do not try to think of existing political institutions which have been evolved in the case of European developments. The British Empire is a much larger and more diverse problem than anything we have seen hitherto, and the sort of Constitution we read about in books, the sort of political alphabet which has been elaborated in years gone by, does not apply and would not solve the problems of the future. We should not follow precedents but make them..... I am sure if we disabuse our minds of precedents and pre-conceived ideals we shall evolve, in the course of years, the institutions and machinery that will meet our difficulties."

49. I would further beg to urge that at least all Princes, great and small, exercising sovereign powers and those with salutes up to 9 guns should be placed in direct political relation with the Government of India. There appears to be no reason to anticipate why any difficulty be experienced in extending the benefits of this proposal not only to the Bombay but also to the Madras, Bengal, Punjab and United Provinces Princes. The States in Madras are so advanced that the absence of a knowledge in the Government of India Political Officers of the local vernaculars would be hardly worth taking into account.

50. This leaves the States which, though supposed to be in direct relations with the Government of India, have yet to communicate through both their local Political Officers as well as Agents to the Governor-General. I cannot speak for Baluchistan, where circumstances may be different, but in regard to the important and numerous States in Rajputana and Central India it can clearly be said that they are still at the same disadvantage as those in Provinces with Governors and Lieutenant-Governors at the head of their respective Local Governments. Thus it is no less essential that the Princes in Central India and Rajputana too should have only one step through which they should correspond with the Government of India.

51. The next question is whether the Agent to the Governor-General should be retained and the Resident now accredited to the States abolished or whether the post of the Agent

to the Governor-General abolished and the Residents retained. I would submit that only one of these two alternatives should be considered for the Rajputana and Central India States. His Excellency the Viceroy also clearly had only these two alternatives under contemplation when, during the Informal Meeting in February 1918, the Princes present were asked by His Excellency for their individual views on one of these two alternatives.

52. I would respectfully submit that to my mind the third alternative proposed in paragraph 310 of the Report as to retaining, in other cases, both the Agent to Governor-General and the Resident but of authorising the Residents of particular States to communicate direct with the Government of India while sending a copy of such communications to the Agent to the Governor-General for his information, would in practice not be found really to work satisfactorily and is bound to end in a reversion to the present system and inevitably to lead to interference by the Agent to the Governor-General. It would make the position of the Princes as well as of the Political Officers accredited to their Courts an extremely difficult one and would also detract both from the position as well as the discretionary powers of the Political Officers.

53. Moreover, what is desirable is a permanent arrangement in the interests of the Princes and the States as a whole and not a temporary arrangement made to suit the personal convenience, or for the life-time, of a particular Ruler.

54. Reverting, however, to the first two alternatives, I originally held that the post of the Agent to the Governor-General should be abolished, and my idea was that Rajputana, for instance, should have four Residents, with higher rank and status and enhanced emoluments than is the case at present, who should be the intermediaries between certain groups of States and the Government of India.

55. Thus, whilst the Political Department would lose one prize appointment, there would be four bigger appointments instead in Rajputana. If necessary, such Residents would have one or more Assistants under them. The States of Rajputana, and similarly of Central India, would thus be placed in the same advantageous position as those of Hyderabad, Mysore, Baroda and Kashmir.

56. Such Residents should, moreover, not have their headquarters in any of the States to which they are accredited but in independent British territory.

57. It may perhaps be urged against the above proposal that a central authority is required to co-ordinate the policy and to carry out the views of the Government of India. In reply it seems sufficient to say that if no such difficulties are experienced in regard to Hyderabad, Mysore, Baroda and Kashmir, there is no reason to anticipate any unusual difficulties if there are four such officers instead of one, say, in Rajputana.

58. At the Informal Meeting in February last at Delhi I, however, thought that the other alternative might perhaps be the easier of solution and I, therefore, on that occasion decided ultimately to vote for abolishing the Political Officers and retaining the Agent to the Governor-General in Rajputana.

59. After reconsidering the question during the past 10 months, I would venture to record my more mature and emphatic opinion, for what it is worth, that it will be far better to retain the Political Officers on the lines which I have attempted to sketch above and to abolish the post of the Agent to the Governor-General. I am convinced that in the long run this will not only be the best, but the only satisfactory arrangement and one least likely to create friction and difficulties.

60. Moreover, one of the many drawbacks of retaining the Agent to the Governor-General would be that with the correspondence coming from so many States he would be unable to give matters the necessary personal attention. This, I fear, will, in the long run at any rate, end in his various Assistants being assigned work and assuming duties which will, at least approximately, even though not exactly, correspond with those of the present-day Political Officers, with merely this difference that they will be located at the headquarters of the Agent to the Governor-General, instead of their present headquarters.

61. That this is not an imaginary drawback will appear to be supported by what Sir John Wood also outlined at the February Meeting as pointed in the last paragraph on page 10 of the Digest of the Proceedings of that Meeting. The result eventually would be that the Princes and States would still have two intermediaries to negotiate with. Also with so many States to deal with, it would hardly be possible for the Agent to the Governor-General to visit all the States each year, and whenever necessary oftener in the year. It will also inevitably lead to the Agent to the Governor-General deputing his Assistants—sometimes only junior officers—to visit Princes and States either at his desire or at the wish of the latter.

62. With Political Officers accredited to groups of smaller number of States there will be more intimate knowledge, friendship and association and more senior Political Officers to deal with, and thus, in the long run, more harmonious relations and more satisfactory and prompt work and results.

63. As regards the apprehension expressed by Sir John Wood that, if Political Officers accredited to groups of States dealt direct with the Government of India, they would not be in such a commanding position to advocate the interests of the States, I would state that in the first place no such difficulty is apparently experienced in the case of the Hyderabad, Mysore

Baroda and Kashmir States and secondly that with my suggestion that the rank and status of such Residents should be enhanced the difficulty will further entirely be got over.

64. As is stated in the Joint Report with reference to their being no insurmountable obstacles in overcoming the difficulties in cases where the territories of Indian States and British Provinces intersect, so I feel positive that with the sympathetic support of His Excellency the Viceroy and the goodwill of the Political Department no insurmountable difficulties would really be experienced also in the way of abolishing the post of Agent to the Governor-General and retaining groups of Political Officers on the lines sketched above.

65. In Rajputana specially there would appear to be no such difficulty and in regard to Central India perhaps any difficulties could fairly easily be overcome by perhaps appointing one Senior Officer with one or more Assistants to deal with the cases of the mediatised Chiefs and guaranteed Thakurs.

66. Some arrangements will in either alternative have to be made presumably to relieve the Agent to the Governor-General in Rajputana of the heavy judicial work which he has at present to carry on; whilst the Commissioner in Ajmer under the direction of the Political Department could without difficulty deal with the business relating to the Mayo College.

67. Before concluding my remarks on the subject, I would also venture to submit that the duties and functions of the Political Officers accredited to individual States or groups of States should be clearly defined and so regulated as to conform to the original intention, *viz.*, those resembling the position of an Ambassador so far as the Sovereign States are concerned while in respect of the smaller States the Political Officers' position should be revised and defined in view of the altered present-day conditions as has been urged in the Outlines of the Scheme and recommendations of the Princes' Committee. His Exalted Highness the Nizam also refers to this in his note, dated the 1st December 1917. This is further supported by what has been written by the Marquess of Hastings in his private Journal as long ago as 1814 which has already been quoted in paragraph 26 of this Note.

68. Whilst on this subject I would finally beg to propose that His Excellency the Viceroy may be pleased to direct that such terms, in common with other loose official terminology, which has now come into vogue, as are frequently used in communications to Political Officers and even conveyed in that sense to the States themselves, as "under the jurisdiction of", "under your political control," "under your political charge," "under the Rajputana Agency," etc., etc., should no longer be used as they do not correctly represent either the duties of the Political Officers or their relations with the Princes as the accredited Agents of the British Government to their Courts. Similarly it would appear the term "Rajputana Agency" or calling a Residency after the name of the State is also incorrect. The geographical nomenclature of such States might more correctly be referred to by Province rather than by Agencies, such as the Province of Rajputana or of Central India; or in the case of Residency or Political Agency by the name of the States such as the Western Rajputana States or the Harauti States instead of the Western Rajputana Agency or the Harauti Agency.

Item I. (8)—Joint deliberations on matters of common interest.

69. I am in general agreement with the proposals enumerated in paragraph 311 for the purpose, and it is my personal opinion that anything further at the present moment would not be in the best interests of either the Princes or their States.

70. This of course is subject to reconsideration when the Reforms in British India are finally brought into force and their definite nature known.

Item II.—Ruling Princes' precedence inter se at Social Functions.

71. The discussion during the Conference in 1917 showed that, in spite of the difficulties with which we are faced in regard to this most delicate question, some Princes, at any rate, were of the opinion that it would be a great pity to drop the question altogether until the Princes had satisfied themselves that there was no other alternative open to them. It was also clear from the discussion that in the opinion of some Princes the question is based on issues wider than merely that of salutes.

72. Since the Conference of last year the salutes and titles of some of the Princes have been revised, but it will be apparent that further steps have yet to be taken before a satisfactory basis can be formed for settling this knotty problem.

73. Whilst, therefore, strongly urging that the question should not be definitely dropped, I venture to think that it will be better to defer consideration of the question till the further revision of salutes, titles and other relative points has, as is confidently hoped, been undertaken.

